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STORY
AS A MEANS TO DISTRIBUTED COGNITION
IN DISPUTE MEDIATION

by

Mary Lindsay

A dissertation submitted in partial fulfillment
of the requirements for the degree of
Doctor of Education

University of San Diego

April, 1999

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ABSTRACT

In spite of a long history and wide-spread usage, dispute mediation has developed largely in the absence of theories to corroborate its practices. Mediators are taught techniques during their training to help disputants communicate; however, the kinds, patterns and evocation of disputant discourse that may further advance the mediation process have received little attention. In particular, stories may have been overlooked as a means in the creation of mutual understanding and in the promotion of relationship. At the same time, some mediators disavow storytelling as an acceptable type of discourse as they believe that the focus of the activity is on the present and future.

Framed in distributed cognition theory, this study considers mediation as an activity and examines functions served by storytelling; the relevance of past history to both the disputants and to the mediator; and the patterns of storytelling and story listening that appear to affect understanding, and subsequently, relationship. Data collected from interviews with 10 mediators approached ethnographically, and data derived from five videotaped mediation simulations viewed phenomenologically, represent the perspectives of mediators and disputants.

In conclusion, story in mediation is the means in which understanding is created both within and between persons, and offers potential for intrapersonal and interpersonal growth. Past history as authored in the form of autobiographical, biographical and/or cultural stories of disputants, forms the lens through which each disputant views the conflict and the other person. Mediators also relate past history as story to reframe the understanding of the conflict for their clients. Story completeness, coherence and clarity, and opportunity as enabled by storyteller/mediator abilities and orientation towards the activity influence listening, understanding and relational outcomes. Consequently, a broader understanding of the ways in which mediators can encourage and support disputant stories may have implications for mediation as an activity directed towards fostering responsive, caring and interdependent relationships.

ACKNOWLEDGMENTS

This stage of the doctoral journey has been accomplished because people have believed in the work and given of themselves. I am indebted to:

The mediators who participated in the study,

for so generously sharing their insights and the richness of their experience;

Marg Huber and Jackie Friend, Centre for Conflict Resolution,

for facilitating entree and bidding warm welcome;

Patricia Geist and Allen Snyder, my committee members,

for their valuable comments,

for direction to sights that I might otherwise have overlooked;

Steve Gelb, my chair, my guide,

for teaching me so much more about writing,

for listening when I become lost,

for questioning so that I might better recognize and understand the way;

Keith Kroeker and Michael Kroeker, my family, my centre,

for their many gifts--time, space, resources, laughter, love--sustaining me throughout.

Thank you.

TABLE OF CONTENTS

CHAPTER ONE: THE PROBLEM

Statement of the Problem	1
Background of the Problem	2
Purpose of the Study	5
Significance of the Study	5
Research Questions	6
Assumptions of the Study	7
Delimitations of the Study	7
Limitations of the Study	7
Specific Terminology	8

CHAPTER TWO: REVIEW OF LITERATURE

Introduction	10
Mediation	12
The Cultural-historical Context of Mediation	12
Premises of Community, Division of Labour and Governing Mechanisms in Mediation	13
Theories of Conflict and Conflict Resolution	16
Understanding	18
Dialogue as Understanding	19
Dialogue in Promoting Relationship	21
Story as Tool	22
Story in Mediation	24
Mediation as Practical Activity	26
Mediation as an Opportunity for Personal Growth	27
Summary	29

CHAPTER THREE: METHODOLOGY

Introduction	32
Methodological Overview	33
Credibility, Dependability and Transferability	34
Research Design	36
Entry to the Population	37
The Participants	38
Data Collection	39
Protection of Subjects	40
Data Analyses and Write-up Procedures	40
Interview Data	41
Mediation Skills Assessment Videotape Data	44
Summary	47
Background of the Researcher	48

CHAPTER FOUR: PRESENTATION OF FINDINGS

Introduction	49
Mediator Interview Data	49
Communities of Practice	50
Goals of Mediation	51
Perceived Roles	53
Mediator Awareness of Story	56
Story as a Means to Participant Growth	61
Other Purposes of Story: Mediator as storyteller	64
Mediator Response to Constraints of Storytelling	67
Implicit/Explicit Mechanisms Governing Storytelling	70

Lived Experiences of Participants in Mediation	75
Sally Campbell Mediation: A censured story	76
Shelly Dales Mediation: An unheard story	77
Michael Adams Mediation: A story of trees	78
Sena Paradis Mediation: A story of lifestyles	80
Amy Yu Mediation: Everyday life stories	83
The Correspondence Between Mediator and Disputant Experiences	85
Summary	89

CHAPTER FIVE:

SUMMARY, IMPLICATIONS, AND RECOMMENDATIONS

Introduction	91
Summary of Study	92
Functions of Storytelling in Mediation	93
Patterns of Storytelling in Mediation	95
Incomplete Everyday Life Stories	96
Incomplete Autobiographies and Biographies	96
Coherence and Clarity in Stories	97
Opportunity to Tell Stories	99
The Relevance of Past History	100
An Orientation Towards Relationship and Participant Growth	102
Conclusions	104
Implications for Practice and Teaching	105
Implications Related to Governing Mechanisms	106
Implications Related to Roles	107
Implications Related to the Community of Mediation	108
Implications Related to the Goals of Mediation	109

Limitations: A hindsight view	110
A Practice Theory for Mediation	111
Suggestions for Future Research	114
 REFERENCES	 116

APPENDICES

Appendix A: Interview Questions	124
Appendix B: The Mediation Model	125
Appendix C: Roleplay Information	126
Appendix D: Sally Campbell Mediation Skills Assessment	136
Appendix E: Shelly Dales Mediation Skills Assessment	139
Appendix F: Michael Adams Mediation Skills Assessment	143
Appendix G: Sena Paradis Mediation Skills Assessment	151
Appendix H: Amy Yu Mediation Skills Assessment	158

CHAPTER ONE: THE PROBLEM

Statement of the Problem

Mediation has been in use for thousands of years in different cultures to both make and maintain peace. Today, mediation is a widely chosen alternative to litigation and has proven successful in fields such as family law, public policy matters, and environmental issues (Kovach, 1994). Yet surprisingly, in spite of a long history and wide-spread usage, mediation as well as other methods of conflict resolution or alternative dispute resolution (ADR) lack a theoretical framework to support and guide their practice. Scimecca (1991) challenges us to consider that:

without a theory of conflict resolution the field is left with a number of processes that are dependent upon the idiosyncratic expertise of the individual practitioners . . . ADR has simply become a number of different processes. . . . ADR as practiced represents an emphasis upon the how without any real theoretical justification for when and why to use the techniques. (p. 34)

In current practice mediators employ a number of discrete skills to play both a facilitative and a structural function. Mediators help participants communicate, improve their problem solving and move towards agreement over their differences. However, this practice is without a theoretical framework and especially problematic now as there is new call for the professionalization of the practice (Scimecca, 1991).

As well, a number of mediators (Folberg & Taylor, 1984; Kelly, 1983; Touval & Zartman, 1989) contend that the primary goal of mediation is a negotiated settlement. Consequently, the potential of mediation as an opportunity to reshape conflict into a venue for sustaining relationships and promoting personal growth has been overlooked. Dukes (1993) urges practitioners of conflict resolution to not view disputes as "static clashes of interests" and instead calls for a practice that transforms the "*I* of self-interest to the *we*

[sic] of common welfare" (p. 50). Essentially, mediators confine themselves to resolving substantive issues and intervene only when the emotional climate threatens that progress. Any relational changes that may occur are considered an artifact of the mediation process but not a direct goal.

Thus, taking up Scimecca's challenge for a more informed practice and Dukes' call for a transformative practice, this study investigates story as a theory-based strategy for mediation. Story was selected for study as it is the oldest form of narrative. Although commonly used to share understanding, story has been given short shrift in mediation in deference to a language of management. As well, this study examines how mediation presents as an opportunity for intrapersonal and interpersonal development of parties engaged in conflict. In doing so, a humanistic approach is adopted and distributed cognition theory is used to frame the study. The perspective of distributed cognition is particularly suited to a holistic study as the activity system is the basic unit of analysis.

In order to capture how participants in mediation forge and construct understanding, semi-structured interviews with mediators and videotaped mediation simulations are used as the main data collection techniques. More specifically, the kinds, patterns and evocation of participant communication that support relationship and advance the mediation process are attended to.

The mediators who participated in the study roleplay and coach in the Conflict Resolution Certificate Program at the Justice Institute of British Columbia (JIBC) and are on the institution's list of mediators in private practice. The videotaped mediation simulations were produced by candidates of the program.

Background of the Problem

Although theories of conflict and conflict resolution do exist, research and practice in mediation are not often connected to these theories. According to Scimecca (1991), conflict theory itself is excluded from discussions of conflict resolution as conflict theory is

not a theory of conflict resolution, per se. Furthermore, conflict resolution theories are limited and fall into one of two categories: game theory and human needs theory. These theories are noted as being quite flawed. Game theory is based upon premises that perfect information is being held and understood by every party, that all the parties who cooperate are following some agreed upon plan, and that there are mechanisms for enforcing agreements. Consequently, assumptions about communication and mutual understanding between parties exist. In contrast, human needs theory based upon genetic determinism frames conflict resolution as a purely analytical process of facilitated problem-solving in which power has no influence. Indeed, both game theory and human needs theory are criticized for the naive idealism of the assumptions upon which they are based, as well as their failure to seriously consider the impact of culture and social institutions on the resolution of conflict.

In spite of not being grounded in a well-researched conceptual framework, the growth of mediation during the last quarter of this century has led to a call for the professionalization of the practice. In that regard, we need to look closely at the history of alternative dispute resolution to determine its original purposes. The beginnings of mediation in the United States are attributed to four movements that began in the mid-1960's and early 1970's. These movements are:

- (a) new developments in organizational relations, (b) the introduction of the "problem-solving workshop" in international relations, (c) a redirection of religious figures from activist work in peace-related endeavors to an emphasis upon "peacemaking", and (d) the criticism of lawyers and the court system by the general public that resulted in what is known as alternative dispute resolution.

(Scimecca, 1991, p. 19)

Although Scimecca tracks the infancy of alternative dispute resolution only back to the mid-1960's, Dukes (1993) refers to Mary Parker Follett as the "recently claimed prophet [of the field]" (p. 45). In 1924, Follett, an industrial theorist, coined what has

become one of the fundamental tenets of alternative dispute resolution: "genuine power is power with, pseudo power, power over" (p. 189). Here, Follett ascribes real power as having a noncoercive intent.

In her work, Creative Experience (1924), Follett relates a story where the solution to the conflict satisfied the needs of both parties; characterizing the interest-based style that conflict resolution has come to be known for:

The integrating of wants precludes the necessity of gaining power to satisfy desire. In the library today, in one of the smaller rooms, someone wanted the window open, I wanted it shut. We opened the window in the next room where no one was sitting. This was not a compromise because there was no lopping off of desire. We both got what we really wanted. For I did not want a closed room, I simply did not want the north wind to blow directly on me likewise the other occupant did not want that particular window open, he simply wanted more air in the room. (p. 184)

Hence, at its origins, pioneers of alternative dispute resolution assumed that conflict could be a means of transforming individualistic perspectives into ones that reflect a more relational worldview. Over time, this conviction seems to have been subsumed by the substantive issues of a negotiated settlement. As well, as mediators pursue the goal of a negotiated settlement, they structure mediation with the language of management (Dukes, 1993). With a movement towards the professionalization of mediation, the danger lies in the promotion of a style of dispute resolution which once again limits the participation of the disputants and places control into the hands of a select group (Weckstein, 1996).

Weckstein, both a professor of law and a mediator, writes, "Ironically, the parties feel that they have had their 'day in court' more extensively in a mediation than in a courtroom. That is, they have had more of an opportunity to be heard and understood by the mediator and their opposing parties" (1996, p. 772). Furthermore, Weckstein credits the success of mediation to a "personalized justice" (1996, p. 773) which has a place for

not only participant thoughts but feelings, as well. So, if mediation is to be more like the roots from which it grew and transformative in the sense Weckstein has alluded to, then there is a need for an emphasis on the language of relationship rather than the language of management. The language of relationship insists on the inclusion and participation of all the disputants; where they can speak of their interests freely and explore their differences. The language of relationship emphasizes the relatedness of the disputants. Accordingly, the disputants enter into a dialogical relationship.

Dialogue is more than a face-to-face turn-taking speech interaction. In dialogue, each utterance is a response to preceding utterances. Each utterance denies, confirms, adds and relies on the other utterances and somehow takes them into account (Bakhtin, 1986). In particular, the language of relationship involves the use of narrative and stories. Currently, some mediation practices suppress participant stories of past experiences. However, narrative and especially stories allow us to uncover new courses of action when our current practice breaks. According to Packer (1991), "the stories that people tell, then press forward from actual into the possible; they show how the world, and its people, could be different, could be better . . ." (p. 79). In this respect, story enables a dialogical relationship for the development of both intrapersonal and interpersonal growth.

Purpose of the Study

The purpose of this study is to investigate: (a) story as a means of forming mutual understanding between participants in dispute mediation, (b) story as a means of promoting relationship and personal growth, and (c) mediator awareness and use of story as a process strategy.

Significance of the Study

Although the practice and acceptance of mediation is becoming increasingly widespread, the field continues to be deficient in an applied theory to guide its development.

Consequently, this research contributes to the body of knowledge about mediation and to a more informed practice.

Moreover, within the training and practice of mediation, there is a belief that the focus of mediation should be on the present conflict on hand and the movement of that conflict to future agreement. In particular, some mediators (Kelly, 1983; Myers & Filner, 1993) consider the omission of the past to be the distinguishing feature between mediation and some types of counseling therapy. As a result, the past, especially as connected by story may have been overlooked as a strategy to advance the mediation process. Therefore, this study elucidates the degree to which the past needs to be considered in mediation.

Finally, this study is designed to focus on the role of story in creating mutuality in relationship. That is, each person can receive and then respond to the feelings and thoughts of the other, while enlarging his/her own feelings and thoughts; and accordingly, the feelings and thoughts of both people. According to Gilligan (1993), "Relationship requires connection. It depends not only on the capacity for empathy or the ability to listen to others and learn their language or take their point of view, but also on having a voice and having a language" (p. xix). To this end, the study offers insights into the development of a more responsive, caring, and interdependent person who advances the societal good by recognizing the connection between self and other.

Research Questions

The study sought to address the following questions:

1. What is the function of story in dispute mediation?
2. How relevant is past history in the present dispute to the participants? to the mediator?
3. What patterns of storytelling and story listening appear to affect the relationship of the participants in dispute?

Assumptions of the Study

In this study, a number of assumptions are made. First of all, it assumes that knowing is accomplished rather than possessed and knowing is manifested in activity. Since distributed cognition frames intelligence as being distributed across people, environments and situations which in turn all shape activity, this perspective is an appropriate framework to organize the study. Next, the study assumes that most participants have a comprehension of the term 'story' and that comprehension, whether or not articulated, resembles a conceptualization of story as a narrative possessing a plot and ending. As story is a commonly used term and a widely-held experience, a generic meaning appears appropriate. The final assumption is that the mediation simulations are representative of actual mediations.

Delimitations of the Study

The study only investigates mediators who have come from a perspective indicative of the mediation training provided by the Justice Institute of British Columbia. The mediators who assume that role in the simulations are novices seeking certification in the Conflict Resolution Program. As well, the roleplayer-coaches are all seasoned mediators who serve in an evaluation, coaching and teaching role at the Justice Institute.

The study only examines those stories in which the storyteller locates the beginning of the story as occurring prior to the start of the mediation session. As the study is investigating the relationship of past history in the present dispute, stories beginning in the current time of the mediation are not relevant to the purposes of the study.

Limitations of the Study

Novice mediators are responsible for the process in the mediation simulations. As novices, it is likely they do not possess the same level of awareness and skill of more seasoned mediators. Thus, the manner in which they manage the mediation is 'competent'

for they have been judged so by the assessment team but their performance may not be sophisticated. In addition, the performance of the novice mediators may be constrained by the one hour time limit imposed by the Justice Institute.

The roleplay scenarios used in the mediation simulations relate to a dispute between a divorced couple, a dispute between neighbours and a dispute between siblings. As such, the data resulting from this study will not necessarily be generalizable to other mediation issues. As well, while the mediation simulations are assumed to be generally representative of actual mediations, they may be inherently and significantly different from real life mediations in ways not accounted for in the study. Lastly, it is assumed that all the participants in the study are from a similar socioeconomic and educational background. Consequently, their behaviors may not typify other groups. However, Merriam (1988) citing Stake offers that " 'full and thorough knowledge of the particular' allows one to see similarities 'in new and foreign contexts' " (p. 176). Therefore, by looking for patterns that explain one experience, we can look for similar patterns in somewhat different experiences.

Specific Terminology

In the study, alternative dispute resolution (ADR) and conflict resolution are used synonymously and refer to that set of behaviors belonging to interest-based negotiation, mediation, and conciliation. As well, mediation can be broadly described as "when a neutral third party provides a structured process to assist two or more parties to arrive at a mutually acceptable resolution to a dispute. The parties are brought together at some point during the discussion of issues" (Justice Institute of B.C., 1990, p. 4).

Story generally refers to narrative or details of experience where there is a plot (beginning action, middle action) and an ending. More specifically, story is construed as a concordant structure where "agents, motives, intentions, circumstances, and so forth are 'staged' " (Bronckart, 1995, p. 82). With specific reference to conflict stories, coherence

refers to the unity of the narrative components within a narrative and between narratives. Closure is the process through which "narratives seal off alternative interpretations to themselves" (Cobb, 1994, p. 54). In addition, clarity addresses the composition of the story so that it is easily understood.

Understanding refers to participation in shared meaning or mutual clarity. As well, "understanding involves intimacy and equality between self and object while *knowledge* [sic] . . . implies separation from the object and mastery over it" (Belenky, Clinchy, Goldberger & Tarule, 1997, p. 101).

Growth refers to the greater senses of zest, worth, ability to act, and connection felt by each person in the relationship, as well as, the development of a more accurate perception of self and other (Miller, 1986). In this study, growth is characterized by a participant's movement from a perspective of a separate self based on objectivity and distancing of self from others to a perspective of connected self based on response and connection in relationship (Lyons, 1988).

CHAPTER TWO: REVIEW OF LITERATURE

Introduction

Although the practice of mediation has a rich history that dates back thousands of years, little theoretical work has been accomplished in the area. Indeed mediation has developed atheoretically or at least without a recognizable theory. However, there is much written on the inputs and outputs of the process. At the same time, mediation is a specialized and constructed context and the 'situatedness' of the experience requires consideration. Distributed cognition provides a perspective from which to consider the interconnectedness of individuals, language, environments, and culture; all within the context of the activity.

Distributed cognition refers to the notion that intelligence is jointly accomplished through activity rather than solely being possessed by individuals. Being socially constructed then, cognition or intelligence is distributed through activity across minds, people, as well as symbolic and physical environments (Pea, 1993). Luria believes that a particular task or activity can be accomplished either by a natural means or an auxiliary means which exist simultaneously (Cole & Engestrom, 1993). By way of example, he offers the case of a patient suffering from Parkinsonism. The patient's condition was so severe that he could not walk across the floor. However, he was able to walk across a room unaided when asked to step over pieces of paper placed on the floor. In this instance, the patient was unable to cross the room by natural means alone but rather accomplished the activity by an auxiliary means, using a mediating structure or tool. A tool, then, is a means to a desired end. In this way, Luria explains that the cognitive condition of an individual is altered through tool use. Further, he considers language to be the ultimate tool.

In order to account for the collective nature of human activities and to convey the dynamic of time, Cole and Engestrom (1993) expand Luria's basic structure to include other people (community), social rules and the division of labor among participants in their conceptualization of activity. Hence, in their model of distributed cognition, relations between people are mediated not by tools alone but by the social rules that govern acceptable procedures and interactions among the participants, as well. Similarly, they argue that the recognition of the role of other people in cognition implies a division of labor among the participants where tasks, powers and responsibilities of the activity are continuously negotiated. "Distributed cognition . . . is not a theory of mind, or culture, or design, or symbol systems and their impact on human thought so much as it is a heuristic framework for raising and addressing theoretical and empirical questions about these and other topics" (Pea, 1993, p. 48). In essence, the usefulness of distributed cognition is as a means to shape our understanding of how thought connects to word and how word connects to shared understanding. For this reason, distributed cognition frames this discussion of mediation.

Using the rubric of distributed cognition, this chapter considers mediation as an activity and examines its cultural-historical context with respect to its development and subsequent growth in popularity and usage, the practice structure and how it provides the governing mechanisms and social rules, as well as divides tasks and responsibilities in the activity, and the premises and associated theories of mediation which may or may not guide its practice. Next, this chapter looks at the construction of cognition between individuals -- intersubjectivity and in particular, how story may serve as a tool or mediating structure to achieve this state of engagement. Further, the influence of goal orientation on mediation is examined. A summary concludes the chapter.

Mediation

In Cole's (1990) view, human psychological functions are culturally mediated, historically developing and derived from practical activity. Likewise, in the framework of distributed cognition, dispute mediation can be seen as being grounded in a cultural-historical context which influences its present day teaching and practice. As well, Cole and Engestrom's (1993) notion of an activity system conceptually maps and locates interactions among participants. At these loci of interaction, cognition is jointly constructed by the participants acting in culturally organized contexts (Cole, 1991). Therefore, in order to comprehend mediation, it is important to consider these loci of interaction: namely, other people (the mediator), governing mechanisms and the division of labour among the three parties, and to recognize the influence of the cultural-historical context.

The Cultural-historical Context of Mediation

Scimecca (1991) invites us to view the development of the field of conflict resolution in the context of social and cultural change in American society. He asserts that "conflict resolution was born in a time of questioning whether traditional legal authority served the needs of people or supported a status quo that reinforced social and political inequality" (p. 20). Scimecca points to the evolution of a cooperative model of management as a reaction against power bargaining position during the mid-1960's, as well as the development of problem-solving workshops in the international arena as contributing to a climate friendly to the emergence of conflict resolution. At the same time, a number of religious figures and organizations demonstrated their influence in the role of third party intervenors or "peacemaker" in the international scene. Lastly, in 1976, the American Bar Association sponsored the National Conference on the Causes of Popular Dissatisfaction with the Administration of Justice. Alternative dispute resolution, especially mediation and arbitration, was seen as an appealing way to reduce court

congestion, cut settlement time and lower costs. Consequently, mediation did not emerge from theory, but rather arose out of a desire for a social change in which the approach to conflict was less bureaucratic and more personalized.

Premises of Community, Division of Labour and Governing Mechanisms in Mediation

Perhaps out of a need for expediency, the training of mediators and the practice of mediation itself has developed on a number of premises about the mediator, the participants and the process. These premises further delineate rules, responsibilities and the allocation of tasks during the activity. On the other hand, although these premises have been transmitted and given credibility through teaching and practice in the field, they are challenged by empirical research.

For instance, mediators describe themselves as neutral facilitators of process. In their neutrality, they are to engender openness and risk-taking (Myers & Filner, 1993). Mediators are to encourage participant communication so that each person may understand the other in order to generate workable options for resolving their specific conflicts. However, after a series of interviews and subsequent analysis of discourse processes, Cobb and Rifkin (1991) proposed an alternative description of mediator neutrality -- neutrality as equidistance. They concluded that mediators need to act in ways that give all speakers an opportunity to speak and without marginalizing their participation. Hence, the mediator sometimes temporarily aligns with one of the parties so he/she may elaborate on an issue. By doing so, mediators surrender their neutrality and are no longer the impartial facilitators that they purport to be.

Moreover, mediators are to define and control the structure of mediation: making it flexible to accommodate the emotion, data and context of each specific situation (Myers & Filner, 1993). A number of studies dispute this premise of mediator flexibility. First, Brett, Drieghe and Shapiro (1986) examined records routinely logged by labor mediators following mediation conferences and identified two mediator styles: 'dealmaking' and

'shuttle diplomacy'. They concluded that style variance was due to mediator perception of their role. However, in the observational research by Kolb (1983), she proposed two basic types of mediators: 'orchestrators' and 'dealmakers' and attributed mediator style to the nature of the mediator's training and socialization. Therefore, the mediator's definition and control of the structure may be rather idiosyncratic. Second, by analyzing units of uninterrupted turn-taking, Donahue, Allen and Burrell (1988) determined that the forming and enforcing of rules by mediators, as well as timing were critical to the structure of mediation. Thus, while the mediator maintains control or even dominates the process, in order to execute his/her own range of strategies, the flexibility for participants to express individual interests themselves and to have those interests addressed, may be diminished. In contrast, in an experimental study of mediated roommate disputes, Burrell, Donohue and Allen (1990) found that the disputant perceptions of the mediator's ability to structure the interaction bore little relationship to the outcome of the mediation. Essentially, the ability of the mediator to adapt the process to each set of participant circumstances is in doubt, as is the notion that participants expect the mediator to orchestrate their interaction.

Another premise of mediation is that participants are capable of controlling the content of their conflict issues, as well as making their own decisions about the data they receive (Myers & Filner, 1993). Participants can then apply the information in generating their own options to resolve their issues. Research queries disputant capabilities to communicate pertinent information and to render decisions based upon that information. In a series of studies, Krauss and Deutsche found that disputants only communicated effectively and worked together when urged to do so by the third party experimenter (Rubin, 1980). When forced to communicate by compulsory turn-taking, the disputants insulted and threatened each other. When communication was left solely to the disputants, they failed to use the opportunity to communicate. In another experimental study of third party dispute resolution, Holden, LaTour, Walker and Thibaut (1978) observed that most

third parties and disputants preferred a procedure that provided for low third party process control and high third party decision control; resembling arbitration more so than mediation. In this way, the subjects were assured of achieving their goal of resolving the dispute. Hence, while disputants may favour controlling the dispute resolution process, they may have more difficulty monitoring content. In addition, although the disputants may be capable of generating options for resolution of the conflict, timeliness may take precedence over controlling the outcome.

A final premise of mediation is that consensual agreements will encourage participant compliance through participant ownership of the process (Myers & Filner, 1993). However, Kressel and Pruitt (1985), in a critical examination of empirical literature on mediation could not unequivocally support the effectiveness of mediation over litigation with reference to rates of settlement and user satisfaction.

At the same time, Matusov (1996) points out that some experimental designs of the period did not satisfactorily account for the role of the researcher in the activity. That is, assuming that cognition is distributed, the presence of another person does indeed influence the activity. In contrast, more recent studies acknowledge the impact of researcher presence and compensate in some manner. For instance, Church (1993) assumed the role of researcher-practitioner in a case study of community mediators and the use of inaction. R. Engstrom (1995) examined doctor-patient activity through transcripts of videotaped encounters in order to formulate an alternative analysis of institutional conversations. Consequently, these studies considered intersubjectivity at all action sites, as well as the situatedness of context.

On the whole, empirical research undermines, and in some instances, contradicts the premises upon which the teaching and practice of mediation has been founded. Interestingly, none of the studies cited here nor generally, make any reference to a theory of conflict or conflict resolution. The lack of applicability of conflict theory and the flawed nature of conflict resolution theories have resulted in their omission from

alternative dispute resolution research (Scimecca, 1991). However, the dismissal of conflict and conflict resolution theories may be inappropriate, especially as they do play a role in mediator training. While the range of mediator training varies, governing bodies who are responsible for mediator certification include the completion of coursework in conflict resolution theory and mediation theory as part of the requisite training requirements (BCAMI, 1996; FMC, 1997; MDABC, 1996). Even though, what constitutes conflict resolution theory and mediation theory is not clearly prescribed. Accordingly, reference to game theory is made in some training programs and not in others. Mediators may be taught about human needs theory couched in terms of participant values, beliefs and attitudes relevant to mediation. They, then, assume that these 'interests' provide useful data in clarifying the participant issues and actively seek to elicit participant interests during mediation. Although the connection between theory and premise is not clear, conflict theory and conflict resolution theory form part of the curriculum in mediator training and comprise a part of the cultural-historical context in which mediation has developed. As such, their role, however tenuous, should not be overlooked. For that reason, these theories are explicated here.

Theories of Conflict and Conflict Resolution

As a result of a desire to study conflict as a social process, a group of scholars under the leadership of Kenneth Boulding began the Center for Research in Conflict Resolution at the University of Michigan. In his seminal work Conflict and Defense (1962), Boulding proposes a general framework of four characteristics that are applicable to both the static and the dynamic models of conflict. First, he describes conflict as a situation in which at least two parties are present. Secondly, each party assumes a number of different wants which constitute his/her desired outcomes or future positions. Thirdly, a competition develops when the potential, future positions of the two parties are mutually incompatible. Lastly, conflict arises from an awareness of the incompatibility of potential

future positions and the wish of each party to take a position that is incompatible with the wishes of the other. Thus, Boulding defines conflict as a situation of competition that connotes both awareness and desire.

Conflict resolution theory draws from two divergent perspectives: game theory and human needs theory. The first, game theory has a mathematical foundation and is based upon situational games of strategy (Porter & Taplin, 1987). The goal of such games is to use strategies which minimize the maximum expected loss. Players decide their game strategy knowing that they will be in conflict or consensus with the strategy of competing players. Game strategies are usually defined before the game begins. Rules govern the mode of the strategies used. Thus, an assumption is made that all players share the same information, that is, they all know the strategies and the rules. When rules are not obeyed, a tension results and leads into a different game with new rules or the game ends. Porter and Taplin (1987) point out that the usefulness of game theory lies in the insight it provides into the logic of strategic conflict and in its ability to describe the conduct of people in conflict situations.

On the other hand, the second perspective of conflict resolution, human needs theory is grounded in the ontology and universality of human characteristics. While differing ideas of what constitutes human need arise from various disciplines, Burton (1979) presents one interdisciplinary theory that includes three views. Scimecca (1990) summarizes the theory as follows: "Burton's human needs theory . . . draws on the humanistic psychology of Abraham H. Maslow, the sociology of Paul Sites and Stephen Box, and the sociobiology of Edwin O. Wilson, to formulate a theory of conflict and conflict resolution based on the premise that individuals seek to fulfill a set of universal needs which, when thwarted, resulted in deep-rooted and protracted conflicts" (p. 206). Burton (1979) reports nine distinct human needs: consistency in response, stimulation, security, recognition, distributive justice, rationality, meaningful responses, sense of control and role defense. When these needs go unmet, conflict ensues.

Neither game theory nor human needs theory is completely accepted. According to Scimecca (1991), critics of game theory question its assumptions of perfect information being held by each player and that human behavior is rational. Notwithstanding, critics of human needs theory hold different opinions about what human needs are and where they originate from. As well, they point out omissions of cultural and social perspectives in determining human needs.

Indeed, there is some face validity in both game theory and human needs theory. Boulding (1962), the definitive voice in conflict theory asks us not to simply juxtapose game theory with human needs theory, but to integrate them. He writes "the real world, however, is much more complicated (or may be even in some respects simpler) than the Hobbesian universe of the game theorist. For a true understanding of conflict, we also have to examine love, affection, empathy, and community of feeling. These are concepts alien to the theory of games" (p. 57). If we seriously heed Boulding's invitation to marry game theory with human needs theory, then we must reconsider the practice structure of mediation. In particular, we need to acknowledge the role of human needs and examine how to create conditions where participants can have near identical information through a shared understanding of both the past and present.

Understanding

In Boulding's (1962) model of conflict, the history of each party at successive moments of time can be represented as a single frame of a movie reel. History ceases at the present frame and back from the present, history unrolls as a single reel. The present cannot exist without the past. However, forward from the present, there are a great many future reels. Thus Boulding's notion of reciprocal sharing of future reel frames parallels the action of mediation as being directed towards intersubjectivity.

Matusov (1996) defines intersubjectivity as a moment of "mutual understanding and engagement in participants' definitions of the situation" (p. 29). He suggests that for

an interval, participants see the world from similar viewpoints. In this way, intersubjectivity bears some resemblance to game theory conditions in which participants all have the same information about the strategies and rules of the game.

Despite this resemblance, Billig (1987) points out that game theory is based upon the acceptance of prior rules and does not address participant creation of new rules. Further, he argues that the portrayal of persons as only followers of rules disregards their autonomous nature. In real social life, persons make and change the rules and in fact, they do so in the context of argument. Therefore, Billig contends that argument is a form of intersubjectivity. Similarly, Matusov (1996) adds that misunderstandings and conflicts are not failed attempts at intersubjectivity but rather a special form of intersubjectivity. With this end in mind, he criticizes research in the study of intersubjectivity during the 1970's and 1980's, which focused only on agreement as an indicator of intersubjectivity and overlooked conflict. Within the context of mediation, then, disputants begin the process sharing the same focus of attention but not necessarily similar viewpoints, and strive towards sharing the same focus of attention and the same social reality. Rommetveit describes these two states of intersubjectivity, respectively, as asymmetrical relationship and symmetrical relationship (Smolka, DeGoes & Pino, 1995). As mediation works toward achieving a symmetrical relationship between the disputants over the issues in conflict, the nature of such symmetry of understanding is examined here through the hermeneutic lens in which understanding is an interpretation and specific to the context or application (Van Manen, 1990).

Dialogue as Understanding

Gadamer (1975) believes that each individual has a specific frame of reference from which the world is viewed, forming a horizon. As this horizon is historically and culturally specific, an understanding of the present and the future is contingent upon an understanding of the past. Gadamer represents an individual's private understanding

expressed publicly as interpretation. When the interpretations of two individuals need to be integrated to produce understanding, horizons must become fused through translation. Gadamer writes "the horizon of the present cannot be formed without the past. . . . Understanding, rather, is always the fusion of these horizons which we can imagine to exist by themselves. . . . this process of fusion is continually going on" (p. 273). In Gadamer's view, translation is contingent upon the past, insofar as the neither the present nor the future can exist without it. Moreover, Weinsheimer (1985), in writing on Gadamer, emphasizes the dynamic nature of both interpretation and translation: "the hermeneutic circle, in which truth is understood as the conclusive reconciliation of whole and part, might better be conceived as a hermeneutic spiral, in which truth keeps expanding. That is the whole truth never *is* but always *to be* [*sic*] achieved" (p. 40). There is no singular truth but rather many possible truths that are dependent upon what has gone on before and what has formed between one and the other.

With translation in mind, Gadamer asserts that symmetrical relationship, or what he prefers to call reciprocal relationship requires dialogue in which "each must belong to the other, each prepared to listen to what the other says as something addressed to him. Each is open to what the other has to say, affirming its rightness, even though it contradicts himself" (Weinsheimer, 1985, p. 205). Gadamer's notion of dialogue is a reciprocal relationship in itself, requiring an all embracing openness to the other. Similarly, Bakhtin (1986) portrays the development of understanding through dialogue. When a listener perceives and understands the meaning, "the listener becomes the speaker" (p. 68). That is, the listener adopts an active, responsive attitude to the speaker's utterance by agreeing or disagreeing to some degree, adding to it, applying it, preparing to execute it, etc. Likewise, what is heard may not be realized in action, but rather for the time being remain a silent responsive understanding with a delayed reaction. Eventually, what is heard and understood will be responded to in the subsequent speech or behaviour of the listener.

In the same way, Stewart (1983) refers to the verbal and nonverbal communication of both speaker and listener in dialogue as interpretive listening. He perceives that speaker and listener must be present and aware of each other's presence. The listener affirms and uses personal prejudices as he/she co-produces with the speaker shared meanings. Moreover, Stewart discerns a to and fro play which moves in many directions at once; towards a fusion of horizons. Consequently, by building upon our understanding of the past, we move forward in a shared understanding of a reality which continues to be constructed in dialogue; and simultaneously, have an opportunity to advance relationship.

Dialogue in Promoting Relationship

Even though people can relate in talk, dialogue requires reciprocal relationship (Weinsheimer, 1985). Some theorists believe that more than reciprocity in relationship can be accomplished in dialogue. Miller (1986) describes her conceptualization of what can happen in dialogue as "growth-fostering relationships" (p. 3). In a growth-fostering relationship, each person increases his/her psychological resources within the dimensions of vitality, ability to act, knowledge of self and other, sense of worth, and connection to other. Miller believes that relationship authenticity, "the need to be seen and recognized for who one is and the need to see and understand the other" (p. 2) as well as, the motivation to take care of the relationship, can lead to the development of growth-fostering relationships. While the first point of relationship authenticity parallels Gadamer's notion of openness to the other, the idea of caring for the relationship itself is introduced.

A comprehension of care in this study is derived from Gilligan (1993). She believes that care is predicated on an assumption of responsibility and recognition of need. Further delineating Gilligan's ethic of care, Lyons (1988) describes the two modes of being in relation to others as the perspective of separate self, representing an ethic of justice, and

the perspective of connected self, representing an ethic of care. Their respective perspectives towards others are that of reciprocity and that of response.

The perspective of separate self is based upon objectivity, impartiality, fairness, obligation, and the distancing of self from others. In conflict, the separate self considers the effect of the problem and its resolution on the self, as well as, the principle of the matter or the original terms of agreement, with little or no regard for the particulars of the situation. In contrast, the perspective of connected self assumes care and responsiveness to others -- the fostering of relationship. The connected self considers the effect of the problem and its resolution on others, as well as, the situation over the principle. Accordingly, in the perspective of connected self, the resolution of the problem is evaluated upon what happened and the restoration of relationship; whereas, in the perspective of separate self, justification and maintenance of terms and agreements are more important. Thus, mutual understanding and reciprocal relationship can be created through dialogue, and at the same time, present as an opportunity for the development of a more caring relationship.

Story as Tool

In the narrative paradigm, people are storytellers who both author and evaluate the texts of life (Fisher, 1985). A story is both the actual set of events and the telling of these events, the discourse. Our knowledge and memory of the past are structured by story. Story brings order to the past by connecting individual pieces of memory. In the absence of story, past and future events are disconnected. In order to explain how story connects past, present and future experiences, Randall (1995) articulates four possible levels of story: existence, experience, expression and impression. First, the existence story is made up of every event in an individual's history. Secondly, the experience story is what the individual makes out of the existence story; encompassing learning and expectation. Thirdly, the expression story is each individual's version of his/her own experience story as

told to others, and resembles Gadamer's notion of interpretation. Lastly, the impression story is what is made of the expression story by others, and compares with Gadamer's idea of translation. Generally, stories "transform experiences into bounded units" (Shuman, 1986, p. 20) both within ourselves and for others.

Richardson (1990) delineates five ways in which narrative or story bounds experience into humanly relevant time. Although these stories are analytically separable, they intersect in practice. Everyday life stories tell how people go about their life and accomplish their tasks. They are the experience of daily time. Autobiographical stories tell how the past is related to the present and future. In autobiography, an individual explains and justifies his/her own life experiences and accordingly, understands that life. Relatedly, biographical stories make sense of others' actions and motivations from the point of view of the others. Hence, the biography gives rise to the prospect of understanding others. The cultural story frames the social world of home, community, society and humankind and represents the normative point of view; connecting past, present, and future to maintain the status quo. Finally, the collective story shows an individual's story by telling of the experiences of the social category to which the individual belongs. When the collective story deviates from the standard cultural plot, a new narrative is provided, thereupon, giving voice to those who are silenced or marginalized in the cultural narrative. This story of the transformed life affects future stories and future lives.

Nevertheless, individuals do not share the whole of their experiences, nor do they tell stories without reason. In Bruner's (1996) view, "stories worth telling and worth construing are typically born in trouble" (p. 142). Trouble drives the story. He contends that story consists of agents, acts, goals, settings and means, and begins in ordinariness of its initial circumstances; for example, 'Once upon a time, there lived' Then, the action unfolds leading to a breach in the legitimate expectancy created by the initial circumstances. A restitution of the initial legitimacy or a new order of legitimacy follows.

At length, the story concludes, bringing the teller and listener to the present along with suggestions of an evaluation of what has happened. In this way, storytelling appears to be a natural means of representing the events of the conflict to others, as well as, connoting the individuality of the storyteller.

Bakhtin (1986) believes that any speech genre reflects the individuality of the speaker; however, not all speech genres are equally conducive to reflecting individual styles. He points out that the genres of artistic literature, which would include story, are the most contributive. Similarly, Gilligan (1993) writes, "that the way people talk about their lives is of significance, that the language they use and the connections they make reveal the world that they see and in which they act" (p. 2). Hence, by telling stories, Rosen (1986) too knows that "to tell a story is to take a stance towards events and, rather than reflect a world, to create a world" (p. 231). Basically then, the speech genre which people choose to express themselves is of significance as it creates a particular view of reality. In essence, stories enable us to know our experience and share that experience with others. When we choose to tell stories, we are choosing to present how we construct our own understanding.

Story in Mediation

In accordance with Bakhtin, Bruner (1996) points out that story is played out on a subjective and objective landscape. The story is subjective in the minds of the protagonists, yet, it is the objective or real story that the narrator tells the listener about. In other words, the storyteller in telling the experience story (Randall, 1996) adopts a subjective viewpoint, but in the expression story, the teller becomes distanced from the story, so the account becomes the real or 'true' story. Consequently, in some arenas, the matter of truth can be a concern.

A narrative paradigm perspective holds no distinction between *logos* and *mythos*. That is, technical discourse does not differ from poetical (literary) discourse with respect

to truth, knowledge and reality (Fisher, 1985). Positioning himself in the narrative paradigm, Fisher contends that stories should be assessed on the principles of coherence and fidelity alone. However, mediation has its roots in the tradition of law and justice where the pursuit of a singular truth through confrontation and dialogue has prevailed as the privileged discourse until recently (Austin, 1995). Now story is being included in legal studies as a dissent from reasoning and argumentation and accepted as a type of nontraditional legal scholarship (McMillan, 1996). Accordingly, there is a call for more stringent criteria to legitimate the inclusion of stories into legal practice. Within the legal arena, Austin (1995) proposes: a story must have clarity achieved through a logical progression; a story must have an impact by supplying a new or different perspective; a story must have the potential for opening a dialogue; and finally, a story must possess an aesthetic factor of unity which results from the successful application of the basic structure of discourse, plot, character and action to tell a law story. In summary, law stories need to demonstrate both clarity and coherence, and be purposeful and relevant.

In law, the use of story is heralded as a vehicle to knowing. According to Meyer (1994) "We listen to stories to learn how to act; we listen to stories because listening helps us to understand others. [It] helps us sympathize with their pain, it helps us share their sorrow, and it helps us celebrate their joy. It makes us more moral. It makes us better people" (p. 570). Meyer, here, is delivering the same message as Miller (1986). Through dialogical relationship, one knows oneself by knowing the other and consequently becomes not only more self-knowing but caring, as well. Similarly, Duryea and Potts (1993) view story as a means to re-authoring conflict. In contemplating tools for conflict resolution and the role of stories and legends in aboriginal cultures, they opine "the goal [of conflict intervention] becomes reconstructing the narrative from an adversarial frame to an inclusive story where the stories of the parties can be accommodated simultaneously and each side experiences legitimacy" (p. 389). Duryea and Potts partly base their opinion on the work completed by Cobb and Rifkin (1991). In

a study of community mediation and the practice of neutrality, Cobb and Rifkin videotaped 30 mediation sessions and interviewed 15 mediators. The data (discourse) were analyzed for neutrality with reference to the themes of justice, power and ideology. In discussion of their findings, they observed "stories or narratives are the discursive structures in which conflicts are constructed and transformed" (p. 51). Accordingly, there appears to be a case for the study of story as a tool for accomplishing intersubjectivity in mediation.

Mediation as Practical Activity

Consistent with other writers and practitioners in the field (Burdine, 1991; Kelly, 1983; Kovach, 1994; Scimecca, 1991), Folberg and Taylor (1984) define mediation as "the process by which the participants, together with the assistance of a neutral person or persons, systematically isolate disputed issues in order to develop options, consider alternatives, and reach a consensual settlement that will accommodate their needs" (p. 7). According to Myers and Filner (1993), mediation models vary and may include three broadly defined stages or upwards to twelve more narrowly defined stages. Myers and Filner conclude that most mediation models include four common steps; although in many instances, the steps may not be distinct. In the first step, the mediator describes roles, process and expectations. Secondly, each party has an opportunity to tell about the conflict from his/her own perspective. The mediator summarizes the issues of each party and the major issues to be resolved are identified. Thirdly, the participants explore their interests with respect to each of the issues and generate criteria upon which to evaluate the final agreement. Lastly, the participants form an agreement. Essentially, these four steps or stages constitute a generic mediation model and delineate some of the interactional and procedural rules governing the activity, as well as the division of tasks and responsibilities. On the whole, mediation presents as a venue for expressing viewpoints and sharing knowledge in order to arrive at an agreement.

Mediation as an Opportunity for Personal Growth

Despite an operational definition and practice model which emphasize reaching a settlement, some writer-practitioners in mediation argue that the goal of mediation should be the promotion of intrapersonal and interpersonal growth. For example, Folger and Baruch Bush (1994) assume that ideologies are the framework with which people view, interpret and judge their world and warn that the problem-solving orientation of mediation is driven by a prevailing ideology of Individualism. In the problem-solving orientation, conflict is perceived as a problem in need of satisfaction. Basically, the highest value becomes the satisfaction of individual needs and desires. Instead, Folger and Baruch Bush argue for a transformative view stemming from a Relational ideology. In the transformative orientation, conflict is viewed as an opportunity for the development of empowerment and recognition: "Growth in empowerment involves realizing and strengthening ones' capacity as an individual for encountering and grappling with adverse circumstances and problems of all kinds. Growth in recognition involves realizing and strengthening one's capacity as an individual for experiencing and expressing concern and consideration for others, especially others whose situation is 'different' from one's own" (Folger & Baruch Bush, 1994, p. 5). Thus, the empowerment dimension engenders a greater sense of self-respect, self-reliance and self-confidence for all participants in mediation while the recognition dimension calls for acknowledgment and concern for each other as fellow human beings. Moreover, Folger and Baruch Bush's transformative orientation resembles Miller's (1986) notion of growth-fostering relationships.

A second related premise that Folger and Baruch Bush build upon is that conflict ideologies determine expectations about people's discursive choices. According to Bruner (1996), narrative reasoning and logico-scientific reasoning are the basic and universal human cognition modes. The narrative mode makes connections between events and is contextually based, whereas the logico-scientific mode seeks universal truth conditions.

As previously noted, speech genres that require a standard form (such as business communications, contracts, legal texts, etc.) are the least favourable conditions for reflecting individuality (Bakhtin, 1986). Essentially, then, although the narrative mode appears to be the best suited for relational issues, as disputants tell their opening stories of the conflict at-hand, the mediator in a problem-solving orientation may tend to fold that story into a logico-scientific template. In other words, disputants must speak only of verifiable facts. For this reason, mediators in a transformative orientation try to avoid shaping issues and pushing for settlement.

Similarly, Putnam (1994) supports a transformative frame of mediation and proposes a communitarian model of mediation. Her communitarian model emphasizes the connection between self and other. Emotion punctuates the moments that help mediators transform issues, interests and relationships. Moreover, her proposed dialogic view of mediation shifts the goal from privileging substantive issues to aims of mutual understanding and relationship.

At the same time, Winslade, Monk and Cotter (1998) advocate a narrative approach to the practice of mediation which draws from narrative therapy. They believe that "understanding is less about the fulfillment of needs and more about their dissolution and disappearance in the light of a new perspective" (p. 25). Different versions of meaning are to be explored. So, like the narrative therapist, the mediator's task is to work with the participants to examine their conflict story and to develop alternative, preferred stories. Strategies similar to those of narrative therapy are to be used: externalizing conversation, recovering unstoried experience and thickening the alternative story. Externalizing conversation involves speaking about conflict issues in an objectified or reified manner. Hence, individual blame and guilt are subverted. In addition, a subtle reorientation of the two parties takes place. They can now view the problem as a third identity. In recovering unstoried experience, the mediator elicits information that will undermine the power of the problem and that can be used to open an alternative story in

which themes of understanding and cooperation figure more dominantly. Lastly, thickening the alternative story involves developing and strengthening the alternative story so it can compete with the story of conflict. Although in this narrative approach more time is spent in exploring relational possibilities, Winslade, Monk and Cotter suggest that in the long run, less time is required to negotiate the agreements and so validate relationship as an acceptable goal of mediation.

Here, two distinct extremes of mediation -- Individualistic, denoting a problem-solving orientation and Relational, denoting a transformative orientation, have been represented . While the ends of each may not be mutually exclusive, the speech genres privileged in each may be.

Summary

In the distributed cognition perspective, knowing is cojointly constructed activity rather than resident in one person and transmitted to another. For this reason, distributed cognition is used to structure the discussion of mediation. As the distributed cognition framework considers the cultural-historical context, governing mechanisms, the division of tasks and responsibilities in activity, as well as the people and their tool use to accomplish an end, all of these interactions are described.

Mediation grew out of a time of social and cultural change in American society. In spite of minor references to game theory and human needs theory, mediation has developed atheoretically for the most part. Although conflict and conflict resolution theories exist, their relevance to either research or practice is not evident. Instead, mediators base their teaching and practice upon a number of premises about the mediator, the participants, the division of tasks and the rules of the process. However, empirical studies do not conclusively support these premises and in some instances bring their validity into question. Contradictions between instruction/practice and research exist with respect to premises concerning mediator neutrality and role, participant capabilities and

skills, process satisfaction, and agreement compliance. An explanation for these contradictions may reside in research design which sought to fragment the process in order to measure discrete mediator acts or in a design which ignored cultural context. In other words, a research design which gave consideration to mediation as a holistic and situated activity may have yielded different conclusions. Regardless, an uninformed practice challenges us to consider if the means of mediation really accomplishes the desired or even purported outcome of a fair substantive agreement. In fact, a number of researcher-practitioners have questioned not only the means but the ends of mediation, as well. A transformative practice grounded in narrative is advocated to advance relational growth. In particular, story is examined as a tool in the creation of understanding and promotion of relationship.

In light of the theories of conflict, conflict resolution, hermeneutics, narrative and moral development presented here in this chapter, conceptual similarity and difference are noted. On one hand, Gadamer's (1975) concept of translation resembles notions from both conflict theory and game theory with reference to the achievement of intersubjectivity. As well, stage three of mediation in which participant interests, concerns and values are elicited and explored, resonates with human needs theory. Thus, in the frame of distributed cognition, the theories of conflict, conflict resolution and hermeneutics, and the foundational premises of mediation are connected to intersubjectivity. On the other hand, a paradox may exist between the means and ends of mediation. In a problem-solving orientation to mediation, a language of management with a present and future focus may be privileged over the relational language of narrative, especially, story. However, it is trouble that drives storytelling; making story the most likely discourse to be generated in conflict. As well, without story, we cannot know either the present or the future. Hence, if stories are the portals connecting culture and history to the present and the means in which the future is constructed, then we have a better chance of knowing more of mediation through their study. In particular, this study

contributes to our knowledge of how the past is linked to the present and the future in conflict, as well as the role of story in forming mutual understanding and caring relationships in dispute mediation.

CHAPTER THREE: METHODOLOGY

Introduction

Mediation is an intricate and dynamic process involving complex sets of interpersonal communication and action. As such, a holistic examination of the process is warranted. In this study, mediation was investigated using a framework of distributed cognitions. According to Salomon (1993), "... the distributed system of cognitions is more than the sum of its components; thus, its operations cannot be understood by examination of its isolated parts, and the system should be examined as a whole" (p. 120). Here, Salomon emphasizes the need for systems to be considered as a single unit. With this end in mind, the study investigates the role of story in mediation using the more naturalistic approach of qualitative methodology. Denzin and Lincoln (1994) purport that qualitative research with its interpretative approach to the subject matter enables researchers to study things in their natural settings and make sense of the subject matter according to the meanings people bring to them. Equally important, Denzin and Lincoln stress that all research is interpretative and each interpretative paradigm makes its own demands on the researcher, the questions asked and the subsequent interpretations made. In the study, a constructivist paradigm guides the research. Generally, the constructivist paradigm assumes that there are multiple realities, understanding is subjective and methodological procedures are naturalistic. In particular, the inquiry strategies of ethnography and phenomenology are applied.

Phenomenology is used to describe the lived experience of participants in mediation and how story shapes or alters their experience. Ethnography is used to capture mediator beliefs and practices in mediation. According to Morse (1994), phenomenology is particularly suited to "meaning questions - eliciting the essence of experiences" (p. 224). Furthermore, she states that ethnography best addresses "descriptive questions - of values,

beliefs, practices of cultural group" (p. 224). Hence, phenomenology and ethnography are appropriate methodologies to study mediator and participant experiences in mediation and how story fits into that experience.

This chapter presents a methodological overview including the research design, data collection techniques, data analyses, and write-up procedures. As the researcher is the instrument in qualitative research, a brief synopsis of the researcher's background follows a summary and concludes the chapter.

Methodological Overview

Morse (1994) supports the simultaneous or sequential use of more than one method in a project in order to give a more holistic view; as long as analyses are kept separate and methods are not confused. Even though qualitative research favours no one methodology over another, phenomenology and ethnography are both selected as appropriate inquiry strategies for the study. Van Manen (1990) maintains that phenomenology avoids fragmentation of experience and supports the expression or character of the whole experience. At the same time, Seidman (1991) views interviewing, as employed in ethnography, as a basic method to inquire into the experience of other people and how they understand that experience. Furthermore, he emphasizes that if the goal of research is to understand the meaning people make of their experience, then interviewing is not only necessary but a sufficient means in itself to achieve the goal. Hence, the inquiry strategies maintained the integrity of the system as mediation is studied.

The study focuses on changes in the lived experience of participants in mediation as a result of storytelling, as well as mediator perceptions about mediation and the role that story plays in the process. Participant data was collected through the viewing and transcription of videotaped recordings of mediation. This data set was organized using Van Manen's (1990) lifeworld existentials: lived space (spatiality), lived body (corporeality), lived time (temporality), and lived human relation (relationality or

communality). In-depth interviews with mediators provided information from the mediator perspective. The interview data were organized in relationship to the interview questions and according to the dimensions designated in Cole and Engestrom's (1993) model of distributed cognition: community, division of labour, tool (story) and mechanisms governing story use.

Credibility, Dependability and Transferability

Research is concerned with producing valid and reliable knowledge. However, in the positivist paradigm, validity and reliability connote different meanings than they do within qualitative research and the constructivist paradigm. In particular, Maxwell (1992), agreeing with Wolcott (1995), acknowledges understanding to be a more fundamental notion for qualitative research than validity. Furthermore, Maxwell adds that validity is not inherent in a particular method but rather resides in the data and conclusions reached by using that method in a specified context for a particular purpose. He assumes that we can have no direct knowledge of the objects of our accounts and therefore cannot depend upon a corresponding theory of truth. Similarly, according to Janesick (1994), validity in qualitative research asks whether or not the explanations given are credible. That is, do the findings match reality?

At the same time, Merriam (1988) asks us to consider that "replication of a qualitative study will not yield the same results. That fact, however, does not discredit the results of the original study" (p. 172). She advises us to ensure that the results of the qualitative study make sense in light of the data collected. With this in mind, reliability in a qualitative study cannot be thought of in the same way it is in quantitative studies. Rather, reliability should be conceived of as dependability. Essentially, outsiders need to agree that given the data, the results make sense and consequently are deemed consistent and dependable.

Accordingly, Janesick (1994) suggests this matter of credibility may be achieved through participant review or 'member check' of materials and transcripts, as well as the creation of "audit trails" (p. 216). Likewise, Merriam (1988) adds triangulation -- the use of multiple data sources, as well as clarification of researcher assumptions to the list of basic strategies to ensure both internal validity and dependability. In addition, a final technique known as "quitting the field" (Lindlof, 1995) or "criteria of adequacy and appropriateness of data" (Morse, 1994) ensures the rigor in qualitative work.

With the objectives of credibility and dependability in mind, this study incorporated the techniques of: clarification of researcher assumptions, member checks, triangulation, creation of an audit trail, and the criteria of adequacy and appropriateness of data. First, researcher assumptions and theoretical orientations were delineated at the outset of the study. Secondly, member checks were conducted within the context of the interview. In member checking, the investigator reflects back to the participant information that has been obtained from her/him. In this way, the investigator checks for misinterpretation or gleans additional enriching information. Member checks can be formal or informal, spur-of-moment and within the context of the ethnographic interview (Lindlof, 1995). In this study, such informal member checks were conducted by asking the participant additional questions and eliciting examples to support descriptions; being "sensitive to the needs and nuances of the moment" (Lindlof, 1995, p.170). Thirdly, triangulation, the use of multiple data sources or multiple methods to verify the emerging findings, was used. In this way, data could be viewed as confirming or contradictory. Next, the two inquiry strategies (phenomenology and ethnographic interview) and the data collection techniques (videotaped mediation simulations and audio-recordings of interviews) of the study lent themselves to a more complete record of the experience. In addition, by creating detailed transcriptions, other researchers are able to re-examine the data, if they wish. These detailed transcriptions along with reduction, analysis-synthesis products and process notes form a substantial part of the audit trail. Consequently, both the rigor and replicability of

the study have been enhanced. Finally, in 'quitting the field', the conditions of adequacy and appropriateness of data have been met. In this technique, the investigator only quits the field after sufficient data have been collected so that saturation has occurred and variation has been accounted for. As well, the collected data need to be appropriate to the theoretical needs of the study and the emerging model. In this way, the data repeatedly concur and confirm the findings.

At the same time, Maxwell (1992) makes a case that internal (within group) generalizability in qualitative research is more important than external (outside group) generalizability. He believes that qualitative researchers are more concerned with describing in detail what quantitative researchers overlook in deference to describing the range of variance. Accordingly, Stake (1994) writes "we come to know what has happened partly in terms of what others reveal as their experience" (p. 240). He is referring to naturalistic generalization where a knowledge of the particular enables one to see similarities in new and different contexts. Thus, Stake understands that knowledge is socially constructed and arises more of similarities of experience rather than of generalization. Consequently, any generalizations which can be derived from the study are naturalistic in nature.

Research Design

In the study, the role of story in mediation was investigated by analyzing videotaped mediation simulations used as an evaluation method in determining the competency of student-mediators as part of the Conflict Resolution Certificate Program at the Justice Institute of British Columbia. In addition, seasoned mediators who coach during mediation training and roleplay in mediation simulations were interviewed to examine their perspectives on mediation and the role story has in shaping the process.

The Justice Institute is a post-secondary educational institution located in New Westminster, B.C. The Centre for Conflict Resolution Training at the Justice Institute

provides "instructional services in interest-based conflict resolution to assist individuals, organizations, and communities to resolve differences and build harmonious relationships" (Justice Institute, 1996, p. 21). The Conflict Resolution Certificate Program consists of 210 hours of training and competency assessment. Up to Summer 1996, competency-based assessments in both the areas of negotiation and mediation were required for certification. After that time, competency assessment in mediation became an optional component in the Conflict Resolution Certificate Program.

The 1996 course calendar from the Justice Institute describes the competency assessments as follows: "Assessments consist of a one-hour videotaped roleplay simulation, with a coach(es) acting as the roleplayer(s) and the students as the skilled negotiator or mediator. The coach(es) plus a designated assessor make up the assessment team" (p. 29). Following the actual roleplay, the student-mediator steps out of the room while the roleplayer-coaches and assessor evaluate the student-mediator's level of competency. While sequestered in another room, the student-mediator is instructed to self-evaluate her/his own performance by completing a form drafted by the Justice Institute and referred to as "Student Mediation Self-Assessment Guidelines". The student-mediator is then invited to re-join the others and a debriefing of the mediation, along with judgment of competency (pass or fail) level is made. Debriefing comments are often recorded by the video camera, as well.

Entry to the Population

The Justice Institute's support of applied research is reflected in one of its value statements: "We believe new ideas and new ways of providing learning build on our successes, and ensure flexibility and creativity" (Justice Institute of B.C., 1998, p.6). Thus, institutional approval and support of this study have been generous. At the same time, the researcher is a graduate of the Conflict Resolution Certificate Program. Accordingly, there has been a level of familiarity with some of the individuals involved in

the study. In addition, the previous experience with the program facilitated entering into the discourse particular to the culture of mediation.

The Participants

The Justice Institute is a nationally recognized training facility for conflict resolution and as such, attracts students and trainers from a wide variety of professions, organizations and disciplines. As part of the Certificate in Conflict Resolution Program, a number of individuals are employed as roleplayer-coaches. As such, they roleplay disputants in mediation simulations during assessments and coach mediation students during the course of their training. For this study, 15 roleplayer-coaches were selected to be contacted. Those selected also needed to meet a second criterion of being actual mediators in practice. This additional criterion was established by being named as a mediator on the list which the Justice Institute distributes to the public when asked about mediator services. A letter of introduction to the study was written by the Program Director, Centre for Conflict Resolution Training to accompany the reply to the researcher. Both documents were mailed out by the Administrative Assistant, Conflict Resolution Certificate Program. After a three week turnaround period, subsequent telephone contact was made by the researcher until 10 mediators had been secured to participate in the study.

From Seidman's perspective (1991), sufficiency and saturation of information are the criteria which determine the number of participants required in a study. First, there must be sufficient participants to represent the range that make up the population. Secondly, he posits that there is a point when the interviewer is no longer learning anything new. The 10 interviews satisfied these conditions

A second source of data came in the form of videotaped mediation skills assessments. These tapes were produced as part of the evaluation process for candidates in the Certificate in Conflict Resolution Program. In the evaluation process, candidates

are provided with overviews of the conflict scenarios but not with the information specific to each of the disputing roleplayers. Following the assessment of these particular candidates, copies of their videotapes were made and entered into the Justice Institute Library collection as being representative of good or strong performance as a mediator.

Data Collection

In the study, mediator data were compiled through single, individual in-depth interviews. Ten mediators were interviewed. Interviews occurred at a time and location mutually agreeable to both the mediator and researcher. Interviewing began in late March, 1998, and concluded in June, 1998. Although each individual interview lasted approximately one hour, attention was given to developing rapport prior to the commencement of the actual interview.

Moreover, all interviews were semi-structured with open-ended questions. Although the set of 10 open-ended questions (Appendix A) framed the interview, Lindlof (1995) reminds us that the researcher must be able to identify something of interest on the spot and pursue that interest while keeping the rhythm of a conversation. This strategy was especially useful in conducting a member check of the information.

Disputant or participant in mediation data were collected by reviewing five video recordings of pass competency level mediation assessments. These five video recordings as part of the Justice Institute Library collection are available on loan to Justice Institute students or to the public for on-site viewing. A total of five mediation skill assessment tapes were available in the library collection. The first assessment was completed in May 1990 by Sally Campbell. She was the mediator between a divorced couple disputing custody and access of their children. This mediation is atypical of the other four in the study as the roleplayers in the simulation were not roleplayer-coaches at the Justice Institute. Their background is unknown. Shelly Dales was the mediator in the second assessment completed in June 1990. Here, two neighbours are in disagreement as to how

to handle their dog problems. The last three assessments all deal with the same scenario. Two adult siblings are in conflict over the development of inherited property. The Sena Paradis assessment was completed in 1994, Michael Adams in 1995, and Amy Yu in 1996. Furthermore, these last three assessment tapes include the videotaped debriefing comments by the student-mediator, the roleplayer-coaches and the assessor. However, in both the Michael Adams and Amy Yu videotapes, the same roleplayer-coach assumed the role of Sean. To sum up, the videotapes provided five sets of disputant perspectives; even though one set of perspectives is not filtered through the roleplayer-coach lens and in another two assessments, the same roleplayer-coach is involved.

Protection of Subjects

In order to protect the rights and welfare of the research participants, approval of the study by the Human Subjects Protection Committee at the University of San Diego and by the Justice Institute of British Columbia were obtained prior to data collection. The process of informed consent was followed as explained in the information and consent forms given to and signed by each participant. In addition, all data that may have led to the identity of the participant were masked. As well, each participant was assured she/he would remain anonymous in the write-up of this study.

Data Analyses and Write-up Procedures

As recommended by Morse (1994), the analyses of the two different data sets were addressed separately. In this section, the analysis and write-up considerations of the mediator interview data are presented first and then, followed by the description of analysis and write-up of the videotaped mediation skill assessments.

Interview Data

The data gathered by interviewing mediators were intended to provide mediator perspectives of mediation as an activity. In this study, each interview was tape-recorded and later transcribed into text. Three of the interviews were transcribed by an undergraduate student and the rest by a legal secretary. After transcription, the text was verified against the audio-recordings and corrected as needed by the researcher. A second audition of the recordings was completed in order to become more familiar with the interview contents. Subsequently, reduction of the data began by categorizing and interrelating ideas according to the dimensions outlined in Cole and Engestrom's (1993) model of distributed cognition. These dimensions are: (a) the community of both the mediator and the disputants, (b) the tasks and responsibilities of the mediator and the disputants, (c) the use of story as a tool in creating understanding, and (d) the mechanisms or rules that govern story use. Equally important, was to understand how each mediator perceived the activity of mediation. So, while reading each transcribed interview, the relevant passages of text representing each dimension were marked. Next, for each interview, notations of the highlighted text, that is, key phrases and line numbers, were charted onto a sheet of 32 in. by 24 in. paper and organized as a "mind map" (Bellanca & Fogarty, 1991, p. 107). For the most part, the basic set of interview questions organized the dimension categories, as well as defined the activity of mediation. To assist reader understanding, the researcher's metacognitive categorization for each of the interview questions is presented here:

1. "How long have you been involved in mediation? In what ways?", is a community dimension question to elicit some background of the mediator as well as provide clues to whom the clients are.
2. "What are your goals as a mediator?", asks the mediator to describe what he/she believes the activity of mediation is all about.

3. "At the end of a mediation, what aspects of the mediation usually bring you feelings of satisfaction? Which aspects might cause you dissatisfaction?", provide further information about what the mediator believes the purpose of mediation to be.
4. "If you take a moment, reflect and describe the events, people, thoughts and feelings that led you to be here with me today, you would be relating a story. What uses of story have you noticed in mediation?", relates to the mediator's awareness of story as a tool in mediation.
5. "When a story from the past or a story which only seems slightly connected to the conflict surfaces, what are your inclinations or tendencies toward the story and the storyteller?", is a governing mechanisms dimension question asking the mediator to reflect upon what guides his/her own practice.
6. "When it is obvious or you think that one disputant is not attending to or ignoring the other disputant's story, what does the storyteller-disputant do? As a mediator, what might you do?" connect to the tasks of the mediator and disputant.
7. "When a story has been interrupted or broken, what have you observed the storyteller-disputant to do? As a mediator, what do you do?", are questions tapping the division of labour or role dimension.
8. "In your experience, have you observed a story move the disputants to a new level of understanding? If yes, describe the situation. Tell me about how understanding is created by a story. How does this new understanding benefit the disputants? the actual mediation?", explore the use of story as a tool in advancing the activity.
9. "How does storytelling impede the mediation process?", is another tool use dimension question providing contrast to the previous one.

Lindlof (1995) notes that the ethnographic interview is like an informal conversation. In particular, "the questioning is rather seamlessly geared into the work and

talk already at hand" (p. 170). Accordingly, the interview questions were not always asked in the same sequence and in some instances, whole or parts omitted as the respondent had already provided a response embedded in the talk. On these latter occasions, the researcher would then member check her understanding.

After the 10 mind maps had been completed, the write-up of the information began. The sharing of the interview data took two forms: narrative complemented with vignettes and multivoiced text. First, profiles were crafted for each of the mediators. Seidman (1991) writes, "A profile in the words of the participant is the research product that I think is most consistent with the process of interviewing" (p. 91). He believes that a crafted profile is a way to find, display and share the coherence expressed by the participant while linking the participant's experience to the organizational context. Hence, profiles were created generally following the steps Seidman outlined. First, the mind map was used for each mediator interview as a location guide to passages related to community of the mediator and disputants, the purpose of mediation as an activity, the roles of mediator and disputants, and the use of story as a tool in mediation. Secondly the marked relevant passages were cut out, and then pasted together into a single transcript, representing each interview. Next, the cut-and-paste transcript was read with what Seidman refers to as a "more demanding eye"; retaining compelling passages and discarding less relevant information, and so completing the profiles. At the same time, Seidman stresses two principles critical in creating profiles: (a) "it is important to be faithful to the words of the participants and to identify in the narrative when the words are those of someone else" and (b) "material which means something in one context cannot be transposed to another context that changes its meaning" (p. 93). Both principles were adhered to. From the final crafted profiles, vignettes were excerpted to represent the data and support the findings.

After completion of the profiles, a matrix chart was drafted to serve as working guide only. The horizontal axis consisted of the mediator pseudonyms. The vertical axis

used the dimension categories listed above. The researcher completed a final reading and study of each original transcript and made an entry in each matrix block, using her own words. The completed matrix served a number of purposes. First, in checking the mediator profiles, the matrix was used as a cross-reference that all the important ideas had been included. In addition, a match in interpretations between original transcript, crafted profile and researcher understanding could be established. Finally, the matrix acted as an overview of the interviews; organizing the data for analysis-synthesis as a whole.

In contrast, the communication of the mechanisms governing story use in mediation took the form of multivoiced text. This type of text is written as a dialogue. Fairbanks (1996) notes "the attempt (and, when successful, the effect) is to perform the text even as readers perform their own interpretations" (p. 337). In this way, the reader can determine credibility for herself/himself. Relatedly, Richardson (1997) explains that experimental writing such as multivoiced text addresses the false dichotomy between subject and object as well the separation of the researcher's voice as the authoritative one. For these reasons, the reporting of mediator perspectives on mechanisms governing story use was presented as multivoiced text.

By using the mind map as an index to passages in the marked transcript, those comments relevant to guidelines and rules applied to story use were located and selected for inclusion in the text. In crafting of the multivoiced text, each research question was answered with an initial response by one mediator. Subsequent responses by other mediators either affirmed the practice or presented alternatives.

Mediation Skills Assessment Videotape Data

Once again, in the framework of distributed cognition, the unit of analysis of intersubjectivity is joint activity (Matusov, 1996). Accordingly, the lived experience of participants in mediation before, during and after story was studied using the videotaped simulations. Each of the five videotapes was viewed five times. First, each videotape was

watched to obtain a general sense of the mediation. During the second viewing, notes were made with reference to the action occurring in each of the mediation model stages (Appendix B) and time indexed. In the third viewing, references to or occurrences of story were added to the previous notes. At this point, an overall pattern emerged in the data. The fourth viewing was used to confirm the pattern and index points to where transcription of the talk would support the observed pattern. The videotape was then rewound to those points and transcriptions made. The last viewing was used to note spatial qualities and body language. The quality of the videotaping did not enable detailed facial observations to be made; however, as Holstein and Gubrium (1994) point out, the methodological orientation of phenomenology is concerned with the relation between language use and experience. Therefore, the focus of this analysis was primarily on the spoken dialogue. Notwithstanding, four existentials served as guides for reflection in the research process: "lived space (spatiality), lived body (corporeality), lived time (temporality), and lived human relation (relationality or communality)" (Van Manen, 1990, p.101).

First, lived space is felt space. Changes in the proximity of the disputants were deemed indicators of distance and intimacy. Disputant remarks were also used to describe the lived space. Secondly, the existential of corporeality refers to being bodily in the world. Van Manen writes, "In our physical and bodily presence we both reveal something about ourselves and we always conceal something at the same time - not necessarily consciously or deliberately, but rather in spite of ourselves" (p. 103). As previously mentioned, the quality of the videotapes prohibits close observation here. Thirdly, the existential lived time is subjective time. Van Manen purports that "lived time is the time that appears to speed up when we enjoy ourselves, or slow down when we feel bored . . . or when we are anxious" (p. 104). Lived time was identified by spoken references to past, present and future time. As well, nonverbal gestures may suggest an awareness about time e.g. frequent glances at a watch, rhythm of tapping fingers, discarding all notes, etc.

Lastly, and most relevant to this study is relationality, the lived relation maintained with the other. Drawing from the work of Lyons (1988), markers of a separateness, where the self promotes personal needs and the other is merely instrumental to fulfilling those needs, involve positional language such as "I want" and "I need". A separate self demonstrates reciprocity where one considers the other with objectivity and fairness. Others are viewed as being the same as self. Words suggesting duty, obligation and commitment are suggestive of a separate self. A connected self demonstrates a concern for the other by entering into the situation of the other and trying to understand how the other views her/his situation. Statements emphasizing care and relationship denote a connected self. Furthermore, five of the interviewed mediators served as informants as to how to recognize when there has been a "shift in understanding", an "ah ha", "transformation", a change, etc. apart from the spoken words. The mediators noted changes in communication of the participants. They seem more engaged. A different attitude happens. They start to listen differently, a little deeper. They articulate a different look, a different view than they used to. They are able to open up. Their tone of voice becomes much more mellow. Their sense of humour will emerge. People are chiding each other in a positive way, not teasing each other, but smiling, telling small jokes maybe. As well, the mediators commented on physical changes in the participants. There is a physical relaxation. They make eye contact. Their faces are very, very flat and then understanding might soften their faces and they might smile. They might hold themselves very closed and their body language becomes more relaxed . . . sit in a way that's more comfortable; sometimes they will actually turn their chair.

In examining the videotapes, story or portions of story were considered to have been heard and understood by evidence of grounding. Grounding refers to the coordination of both content and process (Clark & Brennan, 1991). Positive evidence of grounding includes a) acknowledgments where the listener acknowledged without taking a formal turn, b) a relevant next turn where the listener initiated the next contribution

without a break and c) continued attention where attention to the story was unbroken or undisturbed. Negative evidence of grounding was determined by the storyteller or mediator's attempts to repair the story. As well, the listener may have verbally indicated lack of understanding or otherwise requested clarification.

For analysis purposes, a story was considered finished or concluded when it had been a) acknowledged in words as such by the storyteller, b) when a natural conclusion was apparent or c) the storyteller relinquished the floor. However, in all of these aforementioned cases, there must be no further referents to that specific story in the action following the telling. Lastly, a story was considered broken or interrupted when there was a verbal or physical interjection that obviously blocked or impeded the telling before it had been finished.

In reporting the data from the videotapes, the writings of Richardson (1997) once again influence the form. She opines that there is no single or right way to stage a text. Further, she cites drama as one of the forms which coheres with the narrative traditions of presenting lived experience. Consequently, drama appears to be an appropriate recording form for this part of the study, especially as the data are produced in the context of a roleplay and drama emphasizes the elements of space, time, body as well as dialogue. The roleplay-dramas are presented individually as Appendices and indexed in order to provide a ready reference in supporting the analysis of the results.

Summary

In this chapter, the collection, analyses, and reporting of data describing the experiences of mediators and participants in mediation were examined. The individuals who were part of the study are mediators in practice, as well as roleplayer-coaches at the Justice Institute. Guided by the rubric of distributed cognition, ethnographic interview was used to elicit information about mediation as an activity, the community of mediator and participants, their respective roles, use of stories in the activity, and mechanisms

governing their use. Similarly, the categorization and reduction of the data were organized through these dimensions. On the other hand, videotaped mediation skills assessments were used to explore changes in the lived experience of disputants in mediation as a result of storytelling. A phenomenological inquiry strategy best served in capturing the whole experience. The means in which the credibility and dependability of the data were established was also explained. As well, write-up procedures for the data were given in this chapter.

Background of the Researcher

As someone growing up in a society where the dominant culture was not my own, I became a keen observer of human behavior. Over the years, this predisposition has led me to career choices emphasizing first, observation and then later, an understanding of human behavior. In doing so, I have learned that one of the greatest gifts that I can give to myself and to others is in the listening of their stories. As a school psychologist, I listen to children's stories of joy and disappointment. Parents relate stories of hope and despair. Teachers and service workers tell stories of success and frustration. As a parent, my own son's stories tell me of a world that is one way and challenge me to consider a world that might be another way.

I believe that in telling their stories, the storyteller is altered as I, the listener am. In that moment of sharing, there is an understanding that transcends the individual components of the action. With that experience in hand, I came to the world of conflict resolution; seeking to turn the antipathetic into the sympathetic; turning threat into opportunity.

CHAPTER FOUR: PRESENTATION AND ANALYSES OF THE FINDINGS

Introduction

This study was designed to examine mediator awareness and the use of story in forming mutual understanding in mediation, as well as, story as a means in promoting relationship. Although story is the object of investigation here, in the rubric of distributed cognition, a dimension cannot be considered in isolation. The activity of mediation must be construed as a whole, and consequently, the other dimensions of the activity acknowledged.

In this study, data have been collected from interviews with 10 mediators who also roleplay-coach in the mediation training at the Justice Institute. As well, five videotaped mediation skills assessments produced as part of the mediation training program provided information about participant perceptions and behaviours with respect to storytelling. First, this chapter presents the mediator interview data; followed by the mediation assessment/roleplay data. Following Morse's (1994) recommendation, the analyses of the two data sets are kept separate as different methods are involved. Next, the mediator interview findings are compared with the roleplay findings. Finally, a summary concludes the chapter.

Mediator Interview Data

In this section, the interview data were analyzed using ethnographic strategies, crafted into vignettes using the mediators' own words, and then presented thematically as narrative and as multivoiced text. The dimensions of community, orientation to the activity (goals), and division of labour (roles) are considered prior to the examination of story, its purposes, and mechanisms governing its use.

Communities of Practice

When framed in the rubric of distributed cognition, knowledge is historically situated. That is, cognition within an individual is in part shaped through interaction in a culture comprised of the accumulated knowledge of prior generations. Thus, in mediation, each participant including the mediator brings his/her own set of beliefs, customs, habits and knowledge from his/her own cultural group to accomplish a "fusion of horizons". The distribution or sharing of knowledge then depends on the unique set of combined social and cultural circumstances that all the participants bring to the mediation. For this reason, the communities of mediation practice, comprised of levels of mediation experience, backgrounds, and contexts of practice are considered here.

The mediators who were interviewed for this study range in experience from being a relative novice, having only performed a few mediations, to very experienced, having practiced for over 20 years. With the exception of Kathryn, all the other mediators consider themselves very experienced since they have mediated numerous conflicts. Some of the mediators feel as if they were drawn to mediation because of their natural dispositions or called to mediate because they demonstrated a particular set of characteristics. Eric remarks, "Somehow by virtue of my inclination or disposition, I would get called on to help resolve community conflicts." Other mediators report that mediation seemed like a logical extension from their work in fields such as counseling, therapy, and labour management. Let us consider Susan who previously worked as a youth counselor. She explains how she became involved with mediation: "I was working in the jail system and particularly I was working with youth. What I found was, that as part of my counselor in that setting, I was doing mediation between families and youth, in terms of them coming back into their homes or going into foster homes or whatever."

The contexts in which the mediators practice include family, organizations, community and personal injury. All the interviewed mediators in the study have experience with family and workplace/organization mediations. Within the context of

family mediation, mediators work to resolve problems between parents and adolescents, as well as disputes related to separation, divorce, and custody and access, as types of cases in their practice.

Goals of Mediation

Basically, the interviewed mediators have two goals for mediation: to reach a settlement and to create a degree of shared understanding. Within each mediation, different priority is assigned to each goal. The goal of achieving a settlement is often seen to be advanced within certain contexts or under particular conditions; namely custody and access conflicts, marital breakups, organization disputes, and personal injury cases. First, custody and access conflicts are frequently agreement-driven. For instance, Michelle's focus is ensuring that the needs of the children are addressed.

The majority of my mediations are in marriage, either separation, divorce or on going mediations to update the agreement. The primary goal is to assist the parties to work through their issues in a way that is respectful and to identify, when there is children involved, that their needs are being taken care of. That's a focus for me, working with children and making sure that in the changing family that what's going on for them is taken care of.

Similarly, Kathryn notes that parents are "more driven to have a plan in place immediately - that is like Maslow's survival." Thus, these mediators recognize that they and their clients are motivated by satisfying basic survival needs such as food, clothing, shelter, and security.

Secondly, while mediator response to marital breakup conflicts is varied, the conditions tend to promote a sense of urgency to have the mediation completed as quickly as possible by reaching an agreement. Alora personally finds custody and access cases especially painful due to an oppositional climate full of emotion, blame and judgment. She comments, "My analogy is that often what it feels like is that they both want to get a chainsaw and cut the baby in half and sort of say which do you want, right or left?"

Likewise, Eric's goal is to reach an agreement. He admits "I just hate the fact that people are divorcing and there is so much stress involved in it, that my whole process is just narrowed right down to just cut to the chase and get an agreement that works." On the other hand, Lazo distances himself from the emotion and has come to understand that he is not responsible for resolving the feelings of the parents; just ensuring the needs of each parent and child has been met. Even though, Lazo has established a comfort level in marital conflicts, his goal is still settlement. Consequently, the emotional climate has an impact on the way the mediator is engaged in the process.

Lastly, within a different kind of emotionally-charged arena, Owen identifies certain organization and personal injury contexts as being agreement-focused. In particular, he cites commercial/labour disputes where one party has so much and wants this much more, as well as personal injury cases where money is the desired outcome.

Commercial mediations are more task focused. There are several different types of commercial mediation. [Insurance] mediation is personal injury mediation. Basically, you're mediating and you're getting interests out and you're working through the process but there is only one end, money and how much. In the classic labour situation, one party wants something, the other party wants to give as little as they can. . . . I'm not saying there's no emotion in commercial or labour, but it's a different type of emotion. It's not a personal emotion, it's a you're not a nice person type of emotion. The reason why you won't give it is because you don't want to. You hate us, rather than you've got difficulty in your own personal lives.

In the situations which Owen describes here, the conflict is reduced to monetary issues and settlement on the amount is the goal. Hence, in contexts related to marital breakup, custody and access of children, personal injury, and certain commercial/labour disputes, basic human needs are to be satisfied and so lend themselves to a problem-solving orientation towards mediation.

Otherwise, in contexts outside of custody and access conflicts, marital breakup, organization disputes, and personal injury cases, the mediators in the study believe that the primary goal of mediation is one of communication: to create a degree of shared

understanding. Kathryn, the mediator with the least experience, views mediation as just that. She explains: "[Mediation] is mainly about understanding that the participants get a chance to talk about how it is from their perspective and that they also can understand where the other person is coming from . . . any kind of shift in understanding."

Perceived Roles

In contrast, the mediators apart from Kathryn, conceive of mediation in terms of the roles and responsibilities that they assume in relationship to the roles and powers of the disputants. For the most part, the mediators present themselves almost as playing 'behind the scenes' roles and the process being "client-driven". Here, Alora attributes this division of labour to the mediator's ideology:

I think people know how to solve their own conflict. They just don't have the answer yet. Our role as mediator, or facilitator, is to track them. Follow them around as Joe [Folger] says, follow them around. If the mediator feels that the participants do not have the capacity to resolve their own conflict then the mediator will become directive and then often you either miss what the outcome is going to be because you are taking it down a path you believe it should go in, or it doesn't get resolved. The metaphor that I am really liking these days in my work - to be able to hold two very different points of view in the room at the same time. For them to be able to, maybe not agree, but at least understand.

Essentially, Alora perceives her role as facilitative; 'tracking' the direction set by the participants and enabling them to see the different perspectives. Owen concurs with Alora's notion of tracking the parties, rather than mistakenly leading them in a direction they did not want or need to go. Further, he acknowledges the fine line between tracking and leading. He portrays himself as a catalyst enabling the participants to proceed in directions that they have set for themselves.

My main goal is to make sure that I go in [mediation] and don't leave the parties any worse off than what they were when they came. I go in there and have the parties talk to themselves in a way that they haven't done before and manage the process and how the people interact with each other. I have to really balance that out so that I'm not leading them and allowing them to work themselves. They

have to make up their mind where they want to go. I am more or less the catalyst to get them off something and deal with something rather than to get stuck on something.

Susan too, believes in the intrinsic capabilities of the participants. She views herself as an assistant who passes communication tools to the participants when they are too distressed to handle communication themselves. Accordingly, Susan discerns that the degree of the emotional climate determines her level of involvement.

I am of the belief that people have the complete ability to do this themselves. It is just that when you are emotional and upset it doesn't come to you as easily. So I am there to kind of hand it to you. It's like, you know, when you are working on your whatever, and you get a little frustrated because it is not going the way it should and if someone hands you the tool you will know how to use it. You'll know what to do with it and how it works.

Although Claire agrees with Alora, Owen and Susan hold that their work as mediators is to help the parties, and what the parties want may not be what the mediator would like, Claire also emphasizes that the distribution of tasks, responsibilities and powers is constantly being negotiated and that ultimately, control rests with the parties. Using a weaving metaphor, Claire describes the dynamic occurring in mediation.

I actually did large tapestries for about three or four years and sold them. I often think about that in mediation because I would build the loom, I would design the idea and it would always change. I had the structure but all the colors would change and the design would change until it was completed. Depending on what was, whether the dye worked or as I worked through it I would change the design. In mediation, we want to provide a structure, forum for people to work things out and to come to an agreement. I don't think that we have that control. We're providing a process for people and we might leave the tapestry half finished for years.

In addition to addressing the dynamic nature of mediation, Claire also introduces here the notion that the creation of understanding is not limited to the time frame of the actual mediation but rather extends beyond. In this way, the work of the mediator is bounded within the activity, while the work of the disputants continues on outside of the actual

mediation. More specifically, Lazo points to a deeper level of understanding having developed outside of the actual mediation, when people have had time to reflect.

That's something about mediations that people always seem to assume; that the work always happens in the room. Well, in fact, there is work that happens in the room but generally, more often than not, the work happens after the fact, as people go home. They start to ruminate on what they heard or what they said and start to examine their own responses and by the time they come back two weeks later there has been some kind of shift or a change. Or the opposite, an entrenchment of where they were before.

Lazo notes that when a party returns later to mediation, the party assumes a role that is either more responsive or distant and apart.

Notwithstanding, Lazo also identifies this participant role change phenomenon as occurring within the mediation. He attributes a sense of connection with the other person to a perception change; an all of a sudden understanding about the other person, or a new understanding of self.

What I get satisfaction [from] are if the clients are able to feel that they overcome something. [That is], the nickel drops for them in some way and they move forward. Their perception has changed. They are all of a sudden open to hear what the other person has to say because it's different than what they originally thought. When the nickel drops, people know what motivates the other person and they start to talk about it. What can also make the nickel drop is the recognition of your own stuff, which is much harder to do, especially if someone is in some kind of denial about what their actions do or not do.

Moreover, Lazo is not alone in believing mediation is capable of accomplishing deeper level change. Myrna's work as a family mediator is to "translate people for each other so that they can realize who they are living with and how to talk to them and how to listen to them." Clearly, she is focusing on recognition of the other party. Michelle's emphasis in mediation is for self-awareness while preserving the person's sense of self-worth. She views her role as one of "helping the human spirit". Michelle believes that parties in mediation view themselves in a positive light and feel good in accepting personal responsibility for making choices to move forward.

I think that mediation certainly gives people an opportunity to save face and be able to talk about their difficulties in a way that they're not breaking down their own spirit of who they are. I think it's an opportunity to help them to feel better about themselves and to see that there are options for communicating and working through conflict that I think actually helps the human spirit. [Mediation] helps the person feel good about themselves and to look at themselves in a respectful way and to feel strong for them sometimes.

While Lazo, Myrna and Michelle are speaking about their roles and participant role change within the contexts of family mediation, similar roles are held in organizational or community mediations. Eric who prefers to practice in the arena of community conflicts as a facilitator of multi-party community resource management issues, sees his role as one where he manages the mediation so participants know that "it's compassionate space, respectful space, high integrity space, honest space, confidential space, trusting space, truthful, . . . [for] in a safe place, people just start to talk." Eric attempts to advance regard for the self and the other person. Basically, he caretakes the mediation space in order to provide "a model for ongoing dialogue" as well as a model of how to care for the greater community; for as he underscores, "[The issues] have to do with my community. The river runs right through my backyard." Thus, while Eric concurs with Lazo, Myrna and Michelle that the role of the mediator is to facilitate shared understanding, the potential for participant growth also exists simultaneously. Participants then alter their roles by moving from a stance of separateness to one which is more connected.

Mediator Awareness of Story

As storytelling is the tool under investigation in this study, mediator awareness of story as a speech genre, as well as its power and purposes are examined here. The mediators express varying degrees of knowledge about story and storytelling. Intuitively, they appear to understand that narrative is both the process and product of storytelling (Bruner, 1996). In particular, Susan notes, "people talk in story". Nevertheless, Randall

(1995) identifies four levels of story. The first, the "existence story" consists of every event in an individual's history. The second, the "experience story" is what the individual makes out of the existence story. The third, the "expression story" is the story that the individual tells. Lastly, the "impression story" is what is understood by the listener. For the most part, the mediators do not identify nor separate out different levels of story. However, Michelle comes the closest to articulating a difference. She recognizes story as consisting of two levels: an overall story and a story about every issue.

I think there is a story behind every issue for each party. As soon as they phone me, they'll start telling a story. And then there is a story . . . an overall story about the marriage per se to some degree -- the bigger story.

In her example, she views the marriage as the greater story comprised of stories of individual events, such as a missed dinner, a forgotten anniversary, or an infidelity, for example. Otherwise, there is an ambiguity around the distinctions that the mediators draw between whole stories being told in mediation versus part of stories being told. For instance, Kathym, Alora, Susan, and Owen perceive that clients tend to tell entire stories, whereas, David and Lazo suggest that only "snippets" or "bits of a moment" are disclosed. Notwithstanding, Claire perceives pieces of an individual story as threads for the her mediation tapestry. Then, her role is "in staying tuned to what's happening for [the parties]" and allowing the story to develop.

When we talk about story, I think in terms of threads, pulling all these threads together and sometimes it's just one thread after a series of threads that's going to make a difference. It's going to tie it all together. I never know where that is or what that thread is going to look like. So it's a piece of the story.

Claire is unsure as what each story segment is going to be and how it will fill in the story, as they are not told sequentially. Similarly, Lazo represents each person's story as a piece in the puzzle of an overall story that needs to be assembled.

Like in a jigsaw puzzle, [they] connect their story with the other story and see where they mesh and how one story influences the other points of contact and understanding how that can adapt to their story or change their story, or alter

where they wanted to go, where they thought their story was going, and there is some level of understanding of that which can give them a broader sense of where they're coming from or where the other person is coming from.

Once again, Lazo uses a generic meaning of story. In addition, as he describes this process of broadening perspective and meaning-making, Lazo does not clearly discriminate experience-expression-impression stories. In any event, mediators know that there is a purpose in storytelling; whether it be the telling of bits and pieces of an individual story or the telling of individual stories from the overall story.

Essentially, the mediators believe storytelling serves five interrelated purposes. First, they perceive that story is a means of sharing experience. Both Susan and Myrna know story as a relating of experience in order to "build" or "paint a picture" for the listener. Shuman (1986) affirms their view when he makes the point that people are the custodians of their own experiences and storytelling is the means of maintaining and exchanging custody. Secondly, story is more than a telling of the events which transpired insofar as story connotes that there has been an intellectual, if not emotional response to the events. Bruner (1996) believes that story is both "a sequence of events, and an implied evaluation of the events recounted" (p. 121). In mediation, the evaluation component of story is especially significant in personal injury cases where the injured party needs to explain the impact of the events. Owen notes, "It is extremely important for the side looking for the money to be able to explain, tell the story of what has happened to them and what the need is." Thirdly, story enables the listener to learn about more than just the events and their evaluation. Alora thinks that stories provide a clue about how people generally think and feel. Lazo adds: "How they tell you the story gives you some sense of who those people are in the way that they phrase it and such." Claire suggests that inferences about the storyteller can be made.

[Stories are used] often as an informal and comfortable sense of finding out more about a person and what really is important to them and what drives them; what their values are and how history in their life has affected their decision making.

Alora, Lazo and Claire are sensing what Bakhtin (1986) refers to as the individuality conveyed by a specific speech genre. Likewise, R. Engestrom (1995) points out, "A speaker's subjective perspective is created through the choice of words, of topics or continuation of the topic, of speech genres, and of compositional devices of talk" (p. 199). Relatedly, as story is a structure that packages both information and the teller's evaluation of that information, David believes that story is a simpler form of language to comprehend and that its appeal is not at an intellectual level but rather addresses the "gut level" somehow. Consequently, stories make the information more accessible and the way in which they are understood occurs on an intuitive level. Next, while Claire, Alora, Lazo and David are all suggesting that stories address both intellect and emotion in some way, some other mediators perceive story as also satisfying a basic human need. Kathryn opines that people need to get their story out. Similarly, Alora believes that "people really have a deep desire to tell their story." Moreover, she emphasizes the importance of being heard and understood. Alora advises: "I think that people have a real intrinsic desire, to number one, tell their story; number two, to be heard; and number three, to be understood. Not necessarily to be right." Owen offers an example of Alora's theory from one of his cases.

One instance that came to mind is in a personal injury mediation. [The party had to be able to tell her story.] It was quite scathing and the other party didn't react, acknowledged what was going on, that she had the right to feel that way, not agreeing with it but she had the right to feel that. And we settled within an hour and a half because that party now said "Okay now I got that off my chest, I was able to tell that story. I feel better now. Now let's get on with settlement".

Lastly, Myrna and Michelle view storytelling as an exercise in self-understanding. Myrna observes that often the teller doesn't know the point of the story but telling it helps to clarify the point for him/her. Michelle describes the telling as an opportunity to reflect - "the teller's experience". Rosenwald (1992) gives credence to the observations of Myrna and Michelle. He writes, "Often the speakers feel rewarded because the dialogue has

turned into an as yet unplumbed opportunity for understanding themselves more fully" (p. 274). In summary, storytelling in mediation serves as a means to share experience and an evaluation of that experience; as an informal way to learn more about the teller; as a simpler form of language to comprehend; as satisfying an intrinsic need to be heard; and as a means of understanding self.

Even though mediators recognize storytelling fulfills a number of valuable functions, storytelling can be either encouraged or discouraged depending upon the mediator's orientation to the activity. Let us consider Eric who adopts a problem-solving orientation in his divorce mediations and maintains a present and future focus. He shuts storytelling down.

From the client perspective [in divorce mediation], there is a real inclination on the part of many people to want to tell stories. I think their stories are really critical from a different professional perspective, that of maybe therapeutic and healing needs. Because of my training in therapy work, I can hear in their stories all these elements of where I would want to go if my job was to try and help to heal whatever history there is there. But, as a mediator, my almost constant practice now is to shut those stories down right away . . .

Eric does not believe that there is a place for storytelling in divorce mediations. His job is to deal with the present and the future. Listening to stories is not part of his job. For this reason, the orientation to mediation which a mediator holds is of significance insofar as it influences both what can be said and how it is said. Cole and Engstrom (1993) write "the ways in which the mind is distributed depend crucially on the tools through which one interacts with the world, and these in turn depend on one's goals" (p. 13). In other words, when a mediator holds a goal of settlement for mediation, he/she may not permit storytelling and by doing so, alter not only the way but also the kind of understanding which is accomplished. Consequently, the interviewed mediators recognize that storytelling serves purposes relative to the interpersonal communication of the activity and the intrapersonal needs of the storyteller, as enabled by the orientation of the mediator to the mediation.

Story as a Means to Participant Growth

While the mediators acknowledge story as a tool in creating shared knowing, they also observe that the participants may undergo a real change as result of their new understanding. In particular, the mediators describe what happens in the creation of mutual understanding as a perception change where a party moves from his/her position and sees things differently; a party is heard and understood by the other; and a sort of acceptance or empathy or compassion for the other party. Some mediators refer to what happens as transformation. Some call it a shift in understanding. It is the 'ah ha' moment. One mediator says that mediation is a way of adding to the human spirit. One views it as the "nickel dropping". Whatever name they choose, the mediators are all denoting a phenomenon of relational growth. Miller (1986) observes in growth-fostering relationships that:

Each person feels a greater sense of "zest" (vitality, energy). Each person feels more able to act and does act. Each person has a more accurate picture of her/himself and the other person(s). Each person feels a greater sense of worth. Each person feels more connected to the other person(s) and a greater motivation for connections with other people beyond those in the specific relationship. (p. 3)

Similarly, the examples given by the mediators describe instances where an individual gains a new or different perspective of something causing him/her to see the situation and the other person differently, and results in the individual's movement from a perspective of separate self based on objectivity and distancing of self from others, to a perspective of connected self based upon response and connection in relationship (Lyons, 1988). Let us consider the 'ah ha' as Susan experiences it:

... the 'Ah ha!' from each of them - that turning point, where suddenly it just shifts and they are talking to each other and you can really take a backstage. They can talk to each other now. It shifts and there is a point in mediation where it is almost visible. You see the body language change. You hear the tones change. They start asking questions that are really good solid questions and curious

questions. That gives me a lot of satisfaction, to see them take responsibility to move forward.

Similarly, Claire refers to the shift in perspective as the "ah ha place" and relates it as:

... the click or the light of understanding that will make a difference in empathy from another party. People actually step out of their set positions and focus and see things differently and start having an understanding. Usually that's the place where there all of a sudden the mediator can offer a few questions. People will start having a conversation on their own and shifting into looking at their scenario together. It's so subtle. It's very hard to describe. It's a sense.

In the accounts of both Susan and Claire, the common element is that the parties engage in dialogue directly with one another. The mediator no longer performs an intermediary role. Moreover, on some occasions, movement from a stance of separateness to one of connection occurs. Claire describes the connection as "empathy". Although Susan uses the term "to move forward", she clearly means responsiveness to the other, as well. Here, Susan gives a specific example from her practice:

Very recently I had a lady who was talking about being in a situation where there [was smoking]. She was talking about [smoking] and how awful [it was], and how since she was a little girl, [smoking] had a very big impact on her. And so when that happened, and she talked about what the impact and what happened to her, how she withdrew and felt actually physically attacked even though she knew that was not what the person was trying to do. And the person's face that heard that was just like absolutely amazed that was the impact. [He] said, "I never knew that. It's just [smoking]. I never understood that was what was going on for you."

From Susan's example, the lady speaks about being distant from the other person; that is, in the past when he was smoking, she "withdrew". Through her story, she is successful in sharing her perspective with the smoker. Thereupon, Susan notes "then, the lady could move away from the defensiveness." At the same time, the smoker now views the situation from a perspective of connection; understanding what it is like for the lady.

According to Packer (1987), any account of social development is comprised of three components: (a) a view of the relationship between people and their world; (b) the direction in which the development is thought to move; and (c) the mechanism or force that generates the movement. Using this frame, two additional accounts of social

development arising from storytelling are presented. Both accounts are similar, insofar as they are about parents and teenaged children. The parents move from a stance of separation to connection as they tell their own story and hear that of their children.

First, Myrna tells about a mother and her daughter. They had not spoken to each other in two days. The daughter would only talk if the mother left the room. Myrna heard the daughter's story privately, and when the mother re-joined them, Myrna encouraged the daughter to tell her story.

When the daughter told what happened to her, mother could see how it was. All the events were the same ones she experienced but the interpretation of them was completely different. But mom, had made up a completely different story. When they told their stories as to what had happened, it did move the other person. Oh, yes, I see, that's what you were doing, and I thought it was this. Then I just sat there and looked while they went through the whole story and the apologies.

The resolution of the problem is based upon what happened and the restoration of the relationship, not justification and principles. The outcome of the conflict comes from the perspective of response. In contrast, the father's story moves parent and child together in Alora's case.

I did a mediation with a father, a mother and a son awhile back. The son was very much involved in drugs. The mother was quite silent. She set up the mediation, but the father pretty much wanted the son just kicked out of the house. It started really negative where both of them didn't really agree to the mediation. As the night went on the father and the son started to talk and probably for about an hour I wasn't even saying anything. They were just talking and in a way that wasn't angry and wasn't yelling and wasn't threatening. . . . the level of understanding while [the father] was telling the story about what he was like when he was a kid and his drinking and if anybody told [him] well you gotta stop drinking and get out of the house, [he] would be doing the same thing. The whole physicalness of both people transformed into something . . . what happened in the room was physically transforming, not only just emotionally, two people being calm. Like the boy had this hat on. He had pillows all around. He had a hood over his head, could hardly see his face and all kinds of pillows kind of blocking his being, protecting his being. By the end of the night and I think we talked for about three hours, the young man had taken his hood off, the pillows were gone and he was leaning towards talking to his father. The father's face was in the beginning very, very angry, and kind of contorted and at the end the father's face had soften and he

was now turned and talking to his son. They didn't need me anymore. They were so engrossed and I think that was because they were sharing the same story.

From Alora's detailed example, we can see movement from a separation, both physical and emotional, to a connection that is both physical and emotional. The son removes his pillow and clothing barriers. Father softens. They turn toward each other. Anger is replaced by calm. Alora identifies the force that generates the movement as being the story the father tells about his own youth. Father and son are successful in sharing the same focus of attention and understanding each other's perspective. In conclusion, Alora notes, "The fact that the stories would come together is where should centre the transformational piece." In the same way, David observes, "Telling the story does something, both in the teller and in the listener; that facilitates or encourages the broadening of one's perspective. Telling the story and hearing the story is sort of at the root [of] the transformation."

According to Folger and Baruch Bush (1994), transformation in a relational ideology denotes growth in both the empowerment of the individual and recognition of the other. As both Alora and David state that they derive their meaning of 'transformation' from the work of Folger and Baruch Bush, they are attributing the greater sense of self-respect, self-reliance, and self-confidence for all participants in mediation, as well as the acknowledgment and concern for each other as fellow human beings, to storytelling. Thus, storytelling not only shares understanding but may also promote both intrapersonal and interpersonal growth.

Other Purposes of Story: Mediator as storyteller

Four mediators specifically mentioned that they told stories as part of their mediation practice. The sources of their stories and their reasons for telling them are varied. Both Myrna and Eric tell stories from their own experiences. Myrna explains that

she tells her stories to both normalize the situation and to help the parties speak about their own feelings.

Well, I tell a lot of stories myself as the mediator. I use that as a tool a lot. I tell a lot of stories about what has happened to me that seem appropriate to what they are telling me. The purpose of it is to normalize the whole thing, to normalize their experience. It also enables me to say what my feelings were at the point and maybe, that will trigger them to talk about their feelings. It is a way of getting below what's going on for them.

Similarly, Eric tells stories from his own personal life to re-focus his parties in divorce mediations.

I have no qualms in certain circumstances when I believe from my heart of hearts that it's helpful to share my story, to put some of my story out. It makes me real to them. It makes my understanding of their situation much more real and it's a hard line because my job isn't to give them advice. It's only to say this is what happened for me. I don't do it all the time and I don't do it very often. It's different than providing the information [from a book]. It's when I think that a reflection that I might hold up for these people will touch their hearts somehow. It's sort of a sense of bringing them up against a reality that's different than the kind of crazy world of divorce. All of a sudden, you can see their kids come back into focus in front of their eyes and that touches them somewhere really deep.

Moreover, Eric hopes through the telling of his story to move his clients to a state of recognition of themselves and each other. He states, "I'll only share my story in that way if I feel like it will move their hearts closer to compassion for themselves, for their kids, maybe for each other." Basically, Eric attempts to foster some degree of personal growth within his clients. On the other hand in community mediation contexts, Eric tells stories from his mediation experiences to have the parties consider factors that might otherwise be overlooked.

At a community process, it's sometimes helpful too. To be able to say "You know, in another community where we ran into this problem because this particular issue wasn't addressed, what happened was de-dah, de-dah. This is my experience and I'm bringing this up because I have some concern that that might happen here. What do you think?" "Oh, yeah, I guess we better talk about it." So it's more to try and refocus. That's the purpose of it - a tool to bring back to focus during the session.

At the same time, Alora and David tell stories about other people. By telling a story from outside of the mediation context, Alora hopes to have the parties see the resemblance with their own situation and understand it better. She gives an example from a work place mediation.

I did a work place mediation. [The manager] kept saying, "What do you think? What is your assessment?" So, I gave this manager an assessment and he said, "Oh, I totally disagree with that." On a coffee break, we were walking and talking. He was saying he was a Michael Jordan fan. So, I said, "Well, I would like you to take what I've just said and translate it into as if Michael Jordan was on [your] team. If the team changed and he could no longer perform on a level that he was happy with, whether Michael Jordan would just quit or would he continue to work very, very hard until the thing just fell apart?" He got it like that. It was as if the light went on for him. His theory was that the team would have fallen apart instantly, and because it took six months to fall apart, he thought [his] theory didn't work. When I applied, because I think his employees were excellent players and they were like Michael Jordan, and that they just didn't give up immediately because it didn't work. They worked very hard to hold it together. It didn't fall apart until six months when they were all absolutely exhausted. He got that and he said, "Ah, I see what your saying" from the story of comparing his work team to Michael Jordan's team. Sometimes [stories] can take people outside of the context.

In a like manner, David tells stories to set a tone that encourages people to be reflective and sensitive.

When I'm doing group, when I have four or more people, probably 80% of the time, I will start every session with a story. By story, I'm talking about folk tales, fables, anything along those lines. Sometimes, the story comes to me because it seems like it has a point that's very relevant to the particular situation, but not always. I tell stories because I think that it helps people access that other part of themselves, other than just their thinking part. It helps people to become somewhat more reflective or philosophical or whatever. My belief is that, that will in some way enable them to hear the stories of each other. I'm sort of setting the tone there.

In summary, the mediators indicate that they tell stories to normalize situations, to re-focus the parties on a specific point, to introduce a new factor, to have a party see likeness in situation through similarity with another, and to set a tone which encourages

reflection. In essence, these objectives are directed towards reframing experience. Reframing refers to the change in the way a party qualitatively views or understands a problem, an issue, an agenda item, etc. (Putnam & Holmer, 1992). As each party enters a mediation with preconceived notions of the other party and the conflict, reframing challenges the way a party conceives of an issue or demonstrates that the current frame is ineffectual. Therefore, the intent of reframing is reconstructing the narrative from an adversarial frame to an inclusionary one that accommodates the experiences of both parties simultaneously.

Mediator Response to Constraints of Storytelling

While mediators acknowledge the value of story in creating mutual understanding, they also warn that storytelling can be problematic. For instance, Owen believes "when people are telling a story, they are telling it from their perspective and it allows the parties to talk to each other"; however, he adds that story is only effective if "that story comes out in a way that the other party can hear it." Other mediators agree that when a story is used to validate one's experience by blaming or attributing responsibility to the other person, the story is difficult to listen to. As Kathryn put it "the other person [listener] can't separate the information from the blame." Likewise, in developing a theory of argumentation, Stein, Bernas, Calicchia and Wright (1996) hypothesize "being given the opportunity to consider evidence supporting the opposition without considering criticisms of one's own position might allow deeper processing of the beliefs and values that underlie the opposing position" (p. 280). Relatedly, Garrison (1996), in citing Gadamer, argues that to listen well involves an openness where the listener suspends his/her own prejudices and actively works to understand the meaning of the others in their terms. Basically, openness is difficult if the individual is under attack.

Moreover, storytelling imposes other constraints. A number of mediators mentioned the tension produced by a desire to let parties tell their stories and the limits

imposed by time, especially when the mediation is being paid for directly by the clients. In particular, the mediators express concerns that a story can go on forever and there is a need to balance speaking time between the parties. In addition, some personality types do not tolerate stories. Consequently, the telling of the story and the openness of its reception may be compromised. Notwithstanding, Cobb (1994) reminds us that the more complete the story, the less vulnerable it becomes to alternative interpretations.

One way in which the mediators reduced the tension imposed by time, was through conducting individual pre-mediation sessions. Nine of the mediators routinely conduct pre-mediation sessions to provide the clients with information about mediation, to determine whether the conflict is mediatable; and to identify if abuse is an issue. However, two mediators also suggest that the client can tell his/her story in a fuller sense during the pre-mediation session and then be more concise in the actual mediation or not have such a need to tell it in the same way. Myrna describes her practice: "I do a pre-mediation interview in which I hear the person's story myself and they can tell it with as much blaming and name calling and sarcasm . . . I reframe it. . . . When the person comes to joint session, they don't seem to need to say it as much." An individual pre-mediation session provides an opportunity for each disputant to tell his/her story, have that story heard, and further refine its telling to make it more concise and palatable. In this way, a pre-mediation session addresses some concerns around time and the listener.

Interestingly, these pre-mediation practices parallel phases of therapeutic family mediation as described by Benjamin and Irving (1992). In the first phase of therapeutic family mediation, suitability of the disputants and conflict for mediation is determined. Next, the second phase involves "a frankly therapeutic process but restricted to behavioral and attitudinal change sufficient to all the parties to negotiate" (p. 131). The third and final phase consists of negotiation to an agreement. Therefore, the pre-mediation practices of the interviewed mediators mirror therapeutic family mediation practices.

In contrast, Eric does not find storytelling problematic in mediation. His tendency is to discourage participant storytelling and maintain a present and future-focus. He does not conduct any type of pre-mediation session. He is interested in the dynamic between the two parties. He notes: "I really have no interest in who you are separate from each other because it doesn't feed my capacity to help with the conflict." However, in mediating community disputes, he conducts a "detour" outside of the actual mediation to explore if pieces of past history are going to block a group's ability to move forward. During a detour, Eric takes aside the participants who are directly involved with that particular piece of history "to deal with the story that came up." Otherwise, if the exploration of the story occurs within the mediation, the events become real for everyone present. He believes, "There is no value in the whole table hearing that history. It makes the story real for a whole bunch of other participants who needn't know and whose knowledge is not going to be enhanced in any way by hearing or dealing with it." Basically, mediators provide participants with a venue outside of the actual mediation to tell their stories, to re-author them, as well as to have them acknowledged, as a strategy to address some of the constraints of storytelling.

Meanwhile, the mediators also recognize that they do not have control over their clients and outcomes in the actual mediation, and relate the role of mediator back to ideologies of 'tracking versus leading'. Lazo believes "people are going to speak the way that they know how to speak." Accordingly, they may need some help in reframing the story during the actual mediation, in spite of what happened in a pre-mediation session. Further, Michelle discerns that you never know what's going to happen when a story is told. So, as a mediator, the job is to allow the story to unfold. Alora agrees and ponders the uncertainty of tracking a participant during storytelling:

I often think about mediation as sort of like a garden, kind of a Zen garden of stones. Nobody knows the answer, not them and not myself. It's kind about us exploring and turning over each stone and seeing what's under it. Often when someone gives a story, that could be the key if you follow it.

Hence, storytelling, while serving many purposes in mediation also imposes constraints. Despite mediator attempts to address problems outside of the joint mediation session, storytelling and its subsequent reception are uncertain. Within the joint mediation session then, the mediator can only deal with what unfolds. In the next section, how mediators govern the unfolding of stories is explored.

Implicit/Explicit Mechanisms Governing Storytelling

Just as Lazo argues that people are going to speak in a manner of their choosing, and both Michelle and Alora note that the impact of a story is not predictable, so Billig (1987) opines that although certain principles may govern an activity, the individuals within the activity make the final decision to comply with the governing principles or rules, or to create new ones. He states, "the rules may define the structural properties of the social occasion but the players have autonomy to decide how to react" (p. 18). Within mediation, storytelling is bounded by mechanisms that govern the behaviour of all the participants: social conventions, relational norms and mediator training/expectations. In this section, the mediators describe how these mechanisms shape their practices regarding storytelling; that is, how they deal with stories from the past, and what they do when these stories are unheard by the listener or interrupted. In addition, the mediators offer their observations of the principles that appear to direct storyteller behaviour on these occasions.

Although the mediators never engaged in conversation together, their responses to interview questions are staged here as multivoiced text. Multivoiced text is used to illustrate how one mediator's impressions are affirmed by another's, as well as how one practice may differ from another. The researcher's voice is not only the voice of the interviewer, but also serves as the voice of the researcher herself, as she narrates the construction of overall meaning for the reader. Hence, multivoiced text enables the reader

to experience further the veracity of the researcher's interpretation. For the sake of style and ease in reading, ellipses within mediator responses (not sentences) are omitted.

Researcher: When a story from the past or a story which only seems slightly connected to the conflict surfaces, what are your inclinations or tendencies toward the story and the storyteller?

Michelle: Well, allow a story to unfold and ask if it's relevant and ask the other person if they are going to hear it.

Susan: Well, quite often what I will do is ask, "How is it that it relates to this?" Then they will make the connection or they will realize the other side of that "Oh, it just kind of triggered this for me."

David: I try to contain the opening statement. . . . but what I try to do is provide the opportunity, later on in the mediation when . . . people are probably more likely and more able to tell their stories more clearly and hear the story of the other disputant a little easier than they might be up front.

Claire: Often you'll hear a tiny piece but if it comes up again, . . . I know there is something really important attached to that.

Alora: [Yes,] I have a sort of basic rule if I hear the same word come up three times it definitely means there is something underneath that.

Owen: I very seldom interrupt the storyteller, unless . . . they're starting to be abusive, name call, and become personal. As long as it's telling a story from their perspective and giving information, I hesitate to interrupt them because they have to get that out. Often I get into a situation where somebody is there and they're not going to listen until they tell their story.

Researcher: So, generally, if you're uncertain about the relevancy of the story, you check it out. David, you prefer that the party tells the story later on in the mediation. You think that there is a greater openness to hearing the story then, whereas, Owen doesn't interrupt the storyteller as long as she or he is being respectful of the other party. Claire and Alora, you agree with Owen, that the storyteller is likely to keep bringing the story up again until it has been heard.

Anything else about what happens when a story from the past starts to be told?

Lazo: For myself, if I don't understand it, it's very difficult for me to assume that somebody else does. Then I will spend some time coming to some understanding

for myself. It may help the other person understand it as well. It's not unusual for people to just go off on a tangent.

Myrna: Sometimes by the look on their face, you'll know that they lost track of the story too.

Lazo: They need to be refocused.

Myrna: So, my intervention will then be not the tangent, it will be the point, the thread that they were trying; the topic that we're on.

Researcher: Getting back on topic is important. What else?

David: I more and more use the listener now as my key to what I think I should intervene and refocus or not. So, if . . . the listener seems tuned in, I'm going to go with that then.

Kathryn: I think stopping people when they are in the middle of a story is difficult. In this society, we really are brought up to be fairly polite. It is not considered polite to cut people off in mid-sentence. So, it takes real technique and practice and tact to do that in a way that the person feels honored.

Researcher: Then, a tension exists between the need for you to intervene by refocusing on the topic at hand and a social rule about waiting until a person is finished speaking. At the same time, even, if you yourself don't understand the relevancy, the listener may still be following the story. Thank you.

When it is obvious or you think that one disputant is not attending to or ignoring the other disputant's story, what does the storyteller-disputant do?

Susan: Well, they will ignore. Just keep trucking unless there is an intervention.

Myrna: Generally, you can see it go across their face within a second or two. They look hurt, then they look angry and then they shutdown. And what happens, is that the next time they tell the story, they tell it with more venom.

Susan: I think it speaks more about the individual relationship that has been built between them. That there is a history. *[Owen agrees.]* They will get upset and talk about how they see this as typical and not being willing to listen to what I have to say.

David: They become very accusatory and judgmental of the other party and typically, they try and bring me on side with them. "See I told you so, this is why we're here because they're like that."

Michelle: Well, I'm thinking of one instance and [the storyteller] said you're not listening. They'll engage them. [They'll ask a question:] "Do you remember when that happened?" "Don't you think that is important?" They'll try to have that person support them. You never know what's going to happen when a story is being told.

Researcher: So, when the storyteller thinks that the story is not being heard, the storyteller may ignore, stop the story, or tell the story with more anger and bite to it. The nature of the past relationship of the parties influences the way in which they understand and react, or interact with each other. In some cases, the storyteller may try to gain the support of the mediator against the other party. In others, the storyteller may attempt to engage the listener by directly asking a question about the story. Those are the things the storyteller might do.

What will you, the mediator do in those situations?

Kathryn: I might go to the [other] person and ask them what is happening with them right now.

Claire: [Yes,] what's going on with them, right now.

Alora: Definitely acknowledge. To continue, to stay with that until there is some understanding for the other person as to why this is so important especially if it comes up more than once.

Michelle: I think that if there is something in there, then I'll ask if the other person heard that part of it and maybe repeat it.

David: Well, I will give my summary or understanding of that story because often times when it comes from me, then the listener is able to hear it, when they can't hear it from the other disputant. . . . Often times, it's surprising what they have heard and if they haven't heard accurately, then we'll go back.

Michelle: Sometimes if you've heard a story many times you don't need to be completely focused. I think it's the teller's experience.

Researcher: So, when you think that the story is not being listened to, your tendency is to intervene. You might ask the listener what his or her feelings and thoughts are, or you might acknowledge the important parts of the story thus far. You think that the other party is more receptive to hearing you than the storyteller. However, unless the listener definitely reacts, you really don't know how much of the story the listener understands until you check it out.
Any other thoughts?

Susan: What I will do is, if I see someone who is not wanting to listening, not seeing this as relevant, I will get them to ask a question. When you ask a question, even if

you do not really want to know the answer, there is almost a societal thing that you have to be polite and listen because you asked the question.

Researcher: So, Susan, you use a social convention to engage the listener.

Susan: [Yes,] often times, if the participant who's frustrated or angry with what is going on, does ask a question, even if they haven't really wanted to know the answer they start to get information that can make some sense to them.

Researcher: When a story has been interrupted or broken, what have you observed the storyteller-disputant to do? As a mediator, what do you do?

Michelle: Well, I would ask what is it about the story that [the listener] thinks is not relative to mediation. It's like being a detective to see whether or not there is a hidden sort of slammer in it or it's wasting time. So, I might set some limits on the story. I might say, "Well, I'll give you a couple of minutes to tell the key points."

Lazo: Generally speaking, if they're reacting it's because they have a different perception. Their story is different. It's the places where they're starting to differ, those are the areas that need to be explored.

Claire: Yes, it's that delicate balance of making sure that interjection is careful, and sensitive to the people who are involved, so it doesn't cause more defenses. Often the person can continue the story after that because they feel like they're really being listened to. It has been checked out. The other person is listening and the story is important. That acknowledgment helps.

David: Sometimes when the story gets interrupted then it just seems awkward or inappropriate or the person can't pick it up again. Sometimes they are able to; typically, not with the same degree though. . . . It doesn't have the same intensity or sincerity or honesty. Something is lost. It becomes much more of a mechanical telling I guess I always see this tension there around the need to tell story and the need for people to hear it.

Lazo: The resumption of the story would really be based on how important it was in terms of the issues that we were dealing with at the time. How it related to the particular conflict that we were trying to resolve. I don't think there is a rule, that you can say yes they can go back into or not into it. You have to play the cards that are dealt you and to try to be as fluid with those cards as possible.

Researcher: Basically, interruptions or reactions are due to differences in perspectives between the storyteller and the listener and those are the areas that need to be explored. Sometimes, the storyteller is able to continue telling the story but sometimes, the telling becomes somewhat mechanical. Ultimately, though, you can only follow the lead of the parties. Thank you.

Lived Experiences of Participants in Mediation

The data derived from the five videotaped mediation skills assessment or roleplays were approached phenomenologically to elicit the lived experience of the participants in mediation. The data are included in this study to complement the mediator interview data, and to serve as a foil. For these purposes, the activity represented in the roleplays is considered with respect to the dimensions in which interview data are investigated: communities of practice, designated roles of mediator and participants, the goals or orientation toward mediation, governing mechanisms, and finally, occurrences of storytelling.

The first mediation skills assessment tape deals with a custody-access conflict between divorced parents. The second tape shows two neighbours in mediation over problems between their dogs. The remaining three tapes are about the same scenario, where two adult siblings are caught up in the development of inherited property. The overview of each scenario, as provided to the student-mediator prior to assessment and individual roleplayer information are shown separately in Appendix C.

In this study, the lived experience of participants in mediation is portrayed as drama, as the form closely matches the action of roleplay. Although attention is given to all existentials of lived experience--lived space, lived body, lived time and lived relationship, the emphasis is essentially on the dialogue occurring in the simulations; as the study is primarily directed to a study of storytelling and relationship. Each drama is staged according to the Centre for Conflict Resolution Training mediation stages (Appendix B) and presented separately as Appendices D, E, F, G, and H. An analysis of each roleplay-drama occurs in this section. References to the roleplays are cited by a letter and digit designation, where the letter represents the appropriate appendix and the digit(s) the relevant line number(s). For the ease of reader reference, the five ways in which story bounds experience into time (Richardson, 1990) are reviewed here: (a) an everyday life story is the experience of daily time; (b) an autobiographical story explains an individual's

own life; (c) a biographical story makes sense of the life of another; (d) a cultural story represents the normative point of view; and (e) a collective story is the experience of the social category to which an individual belongs.

Sally Campbell Mediation: A censured story

In this family mediation of custody and access issues, the mediator defines "getting an agreement" as the goal. She describes her role as that of a neutral who will assist in the process. Ron and Louise, the disputants are to talk directly to each other and listen. As well, they are not to interrupt while the other person is speaking. The rules ascribed to the mediation are to "stay away from blaming, from name calling, from regurgitating the past" as "the purpose of mediation is forward focused."

Even though an explicit rule about not dragging up the past exists, Louise ventures to do so. Her foray into the past can be viewed as bits and pieces of a story about her relationship with Ron, or as an excerpt from her autobiographical story. The bits which Louise tells are not sequentially ordered and span from lines D43 to D59. There is no coherence nor closure for the story. Re-ordered, the story thus far would go like this. Once, she and Ron were married. She halted her education in order to put Ron through grad school. When they first divorced, she assumed custody of the twins as Ron was not capable of looking after the children because he had a "happy-go-lucky" lifestyle. Now, he continues to enjoy that lifestyle, in part because of her sacrifices. As well, Ron indulges the children while ignoring their basic living needs. He is the "fancy parent". Louise wants to go back to school so she will be in a position to address their needs.

Louise's purpose in revisiting the past is not clear. Neither her demeanor, nor that of Ron appear to be altered through their telling. Instead, the mediator reinforces the need to stay forward-focused. Clearly, in this mediation, the mediator directs the process.

Shelly Dales Mediation: An unheard story

Joan and Larry are two neighbours locked into a disagreement over their dogs. In setting a goal for the mediation, the mediator tells them to "go for understanding". She describes her own role as coming from a "place of neutrality" in order "to create a safe environment". They in turn, are to talk about the issues and then repeat back what he/she has heard the other to say. They are guided by rules of no interruptions, nor criticizing.

From the outset of the mediation, Joan is reserved and distant. Her opening statement is brief. Although encouraged to say more, she declines. Her perception of the situation is "cut and dry". In contrast, Larry does most of the talking. Twenty minutes into the mediation, the mediator requests Joan to tell about the day of the attack. Joan starts out simply and quietly to describe Prince's condition. He is sedated, has stitches and has suffered trauma (E48-50). Joan then turns on Larry and instructs him to "try and imagine" if things were the other way around. Larry says that he recognizes that "it would be no fun". Joan takes offense when she thinks Larry is trivializing the situation. Meanwhile, Larry's response is to justify his actions. Around 36 minutes, the mediator is ready to address possible solutions; however, she identifies resistance from Joan. Joan explains that she feels as if Larry does not recognize the serious nature of the incident. She comments, "He seems to be trivializing the whole thing." Joan emphasizes that the important thing for her is what happened. Larry states that he wants to solve the problem and not trivialize it, and Joan tells the mediator that she feels that her point has been understood and acknowledged. Despite this, Joan continues to show some reluctance right to the end, when she once again advises Larry that this is not a humorous situation as her dog is the one that has been attacked.

Joan has not been heard. A shift in perspectives has not occurred for either Joan or Larry. Both can only understand the conflict from their own viewpoints. Progress in this mediation appears to be blocked by Joan's need for Larry to truly hear her story of the attack, and what it was like for her and her dog. The point that Joan is trying to get

across continues to elude Larry as evidenced by the negative grounding in their discourse. Joan speaks about how hurt her dog is and Larry responds with how the dog's yappy nature excites his dog. Although Larry somewhat recognizes the significance of the event, he is not clear on how Joan has evaluated it. Joan does want Larry to "to try to imagine" what the day was like. However, Larry's response to her need is: "I don't see any point dwelling on it or talking about our dogs' trauma." Hence, around 34 minutes into the mediation, when the mediator attempts to establish common ground by accessing the cultural story of their relationship as neighbours, Joan does not respond in kind to Larry. Larry tries to tell a story of a relationship with Joan that included her interest in Sergeant as a puppy. Joan remembers it as "we're neighbours" (E76-89). Basically, in this mediation, bits of story are being told and remaining unheard.

Michael Adams Mediation: A story of trees

A "mutually satisfying resolution" in a "collaborative problem-solving atmosphere" is set as the goal in this dispute between siblings, Shaun and Kelly. The mediator is a neutral who will facilitate the communication. The roles of Shaun and Kelly are to disclose information frankly and fully, and to listen for both the content and feeling. They are to be guided by a rule of not interrupting, for each will have an opportunity to speak.

In this mediation, two types of story are told: everyday life stories and an autobiographical one. Everyday life stories are used extensively by Kelly to both describe and explain her actions with respect to each of the issues of the dispute. Kelly's stories have coherence and closure. That is, the narrative components are unified within the stories and the stories are complete, so no alternative interpretations are possible. For example, Kelly tells the story of how she went about trying to get a hold of Shaun:

I used that little corner store, that little payphone that they have and phoned you. . . . I phoned to tell you about the problems with the road. . . . I phoned on Wednesday. . . . I was told about the problems with the road. First thing Wednesday morning is when they came across the problem with the road so I

phoned. I left an urgent message. Your secretary said, "No, no. He's not available."

Shaun acknowledges that Kelly's stories do indeed explain everything. He remarks, "... I am hearing these wonderful explanations about how you did everything perfectly and it's all my fault for not returning calls" At the same time, although Kelly's everyday life stories account for the events and her rationale, they do not address Shaun's two interrelated concerns which he introduces in his opening remarks: "... I have a piece of property that is not what we had originally agreed upon. ... The property has been devalued. The trees taken out." First, he views the situation from a perspective of a separate self. Fairness is the standard that guides him. In these opening remarks, he emphasizes the importance of the agreement. Later, he adds, "... my side got the short end of the stick". At this point, Shaun is interested in equality. Secondly, Shaun has a story about the trees that he will not openly share with Kelly and the mediator. Shaun only alludes to it with bits and pieces; leaving it up to the mediator and Kelly to both elicit further details and to assemble them. Instead, Kelly points out the contradiction that development has increased the property value, and misses the part about the trees. Consequently, Shaun is left to bring the topic up again. In spite of the new information that Kelly's everyday life stories provide, Shaun is not satisfied. Again, he remarks, "I'm hearing the words but I'm having trouble matching what's going on here with the picture I see of my property; my half of the property." Around 46 minutes, Shaun is still locked into his own conception of justice and his views have not changed. Once again, he underscores his point: "... if we cut through a lot of this, probably they were reasonable decisions. ... The more this goes along, it seems that you have good reasons for everything yet somehow, I get the short end of the stick." Finally, the mediator provides Shaun with an opportunity to talk about the trees. Shaun responds :

... those trees were the only major trees on the property that came down. And those trees, I want my kids to play in them just like I did when I was a kid. I mean

they're boys. They need trees to climb. They need to build forts. Apart from the fact that separated it from the major road.

Although Shaun's interests in the trees are acknowledged by Kelly, it is not until 54:06 when Kelly reveals that she understood the trees to be really important to Shaun in some way that she could only sense (F242-244), that a shift actually happens. Shaun then turns and faces Kelly more directly; tells her that this is new information for him; and invites her to work on solutions. Finally, in the last minutes of the mediation, Shaun discloses the pieces of the autobiographical story that has been playing for him:

The arbutus trees were great because they're so gnarled. *[Shaun uses his hands to indicate shape.]* They're eminently climbable and you can build forts. You know the up and down ones are harder. Something to block the view and a dry place for the kids to play. To me, the arbutus trees have sentimental value because I played on them when we camped on the property but, I'm not sure.

Shaun is speaking with the voice of past experiences, which he remembers with fondness. Despite the lack of coherence and closure in the story, the listener does get the picture.

In this mediation, Shaun holds a perspective of a separate self. He is guided by a notion of justice based upon his understanding of the agreement. He maintains that perspective until he feels the value which he has placed upon the trees is shared by Kelly; even though, she may not understand the value. A change then happens and they move forward together to work towards solutions. Finally, Shaun shares the significance of the trees through more pieces from his autobiographical story. Furthermore, Shaun himself may only be understanding what the trees mean to him through the telling of the story, as he adds, "I'm not sure" to his closing.

Sena Paradis Mediation: A story of lifestyles

In this second version of the sibling dispute scenario, the mediator designates the process as one of "discussion". Her role is to provide an appropriate environment and to encourage. Shaun and Kelly, the disputants are to make choices and listen. They are to

be guided by two rules: "understanding is not agreeing" and "to listen for feelings as well as the content".

In this particular mediation, the two interwoven biographical stories of Shaun and Kelly appear at the heart of the conflict. According to Richardson (1990), biographical stories make sense of others' actions from the point of view of others. However, in this case, the biographies which Shaun and Kelly have created come not from the perspective of the other, but more that of their own perspective. The biographies, crafted from their words, go like this:

There were two children, Shaun and Kelly. Kelly was considerably younger (G107). They weren't close as kids or even as adults (G108). It was almost like three adults in the family and Kelly (G118). Shaun grew up, got married and became a successful business woman (G117). Money was never an issue for her (G239). Meanwhile, Kelly's been a kind of a free spirit, carefree, spontaneous kind of person (G60-61). He grew up, lived in a commune for awhile (G99) and then became an artist (G90). When their mother died and left them some property, they agreed to develop it together. Kelly wanted very badly to show that finally he was starting to do OK on something and then stuff started to go wrong (G69). Shaun got so pissed off that she just never let Kelly talk about it (G195), so they ended up in mediation. The story that each tells about the other and respective lifestyles is a friction point. They recognize that fact, as well. Kelly believes, "Anytime I try to describe your lifestyle or visa versa we end up triggering." An example occurs when Kelly objects to Shaun's use of the term "budget" and the business arrangement that it connotes for him (G28-33). He shuns her business world and acumen. Similarly, Kelly mocks Shaun's alternative lifestyle and choices. Her attitudes are especially evident in her response to the hiring of a diviner: "Talk about new age and communes . . . I would like to know how come you spent \$5000 on a diviner, a little guy with a green hat and a stick, running around in the bushes."

Within the mediation, Kelly tells everyday life stories about how he handled each aspect of the development to rewrite the biographical story that Shaun has of him. Kelly tells exacting stories that possess the elements of clarity, coherence and closure. His story of dealing with the well (G162-177) is indicative of detail which he provides Shaun with. He sets the scene with the original well company going bankrupt, develops the rising action by talking about all the people he consulted, and creates the climax with his own sense of skepticism and desire to do the right thing. Finally, the selection of the well contractor is resolved by statistics.

Kelly is clear in his motivation to succeed in the development of the property. He states, "I was thinking geez maybe I'm actually going to show that I can hold up my end of the family and stuff." Kelly sees himself in relationship to others. Kelly's stories describe a process of decision-making from an orientation of interdependence and connection. He attempts to relate to the decisions that need to be made in Shaun's terms. For example, in the hiring of the diviner, he shares his concerns with the well contractor: "I'm going to spend five grand and break this to Shaun that there is a douser involved." He lets the statistics that a "number cruncher" like Shaun trusts in, be the deciding factor in the well issue.

Equally important, Kelly's stories seem to move Shaun from a separate stance to a more connected one. At 32:39, Shaun says: "Well, I can see how he's upset" and later, "I have a lot more understanding about where you're coming from." Here, Shaun is beginning to develop a more accurate picture of Kelly. As well, she is more able to act and does. Responding to Kelly's need, she engages him directly and attempts to increase her own awareness. She asks, "What was your rush to go ahead?" (G77).

Notwithstanding, Shaun contributes bits of her everyday life story about company downsizing (G222) to change Kelly's biographical story of her. As a result, Kelly's picture of Shaun changes too. He notes: ". . . my picture of you is just basically you're in

business. You like making money. You do a good job at it. Money has never been an issue. . . . I always thought money was my lack, my issue."

Consequently, Kelly's concluding comment "I wish I could change the past and I don't see how," and Shaun's response "Well, you can't change it. It's what happened" are especially poignant and more or less signify a readiness to develop options. A state of intersubjectivity with the same focus of attention and similar viewpoints appears to have been achieved. Supporting this conclusion, in the recorded debriefing of the mediation, the roleplayer-coach who plays Kelly notes that there was a willingness to problem solve because "We had been heard by you [the mediator], heard by each other, told our stories. I was saying we got to find a way to work this out" Thus, this roleplayer-coach attributes the perspective changes to story.

Amy Yu Mediation: Everyday life stories

In this third version of the sibling dispute scenario, the mediator states the purpose of mediation as being to engage in a dialogue. Her role is rather fluid, as she will modify it to ensure that both Shaun and Kelly get a chance to do their jobs of talking to each other directly. The only rules that she delineates are that both will get a chance to speak and that they allow the other person to speak without interruption.

In this mediation, everyday life stories are told. Everyday life stories tell how people go about their lives and activities. Kelly tells everyday life stories to describe and affirm the rightness of her actions around the development of the property. For instance, in telling the story about selecting the well contractor, Kelly locates the beginning of her story at the point just after they get the initial estimates and ends with the well being a sure bet (H51-61). Thus, her story demonstrates cohesion and closure, and provides clarity of understanding around the issue.

Kelly's stories create an understanding between her and Shaun and enable movement forward. Apologizing about the trees, Kelly remarks, "I blew it big time."

However, Shaun offers, "The way you describe it, I'm not sure you blew it." Shortly, they are able to address working together on solutions. Here, Shaun formally acknowledges that Kelly's stories have changed his understanding. As well, there is other evidence that they share the same focus of attention and are developing similar understandings. Generally, they speak directly to one another. Positive grounding is present in their discourse. In addition, Kelly tries to elicit Shaun's support for the rightness of her story: "You know how much I feel about" Likewise, during the subsequent debriefing, the roleplayer who plays Shaun, notes what happens when the well story is told: "So you [the mediator] let her [Kelly] tell her story and in a way that tells me exactly what I needed to know. So, when you marry those two, you're doing [one hand goes toward Kelly and the other towards himself] us good." Accordingly, both the creation of understanding and movement forward are attributed to everyday life stories.

Still, at the outset of the mediation, the mediator believes that relationship may be one of the issues needing investigation. When the mediator suggests that Shaun and Kelly may want to talk about their relationship, Shaun declines as does Kelly. Nevertheless, as they enter Stage Three of the mediation, Shaun refers to Kelly's decision to go with a diviner as "new age, voodoo stuff". Kelly snipes back with a remark about Shaun's "designer kids". As well, other comments that could be interpreted as a relationship issue ensue. In spite of these types of remarks, relationship is not a concern for Shaun and Kelly. The assessment debriefing corroborates this. Yu, the mediator acknowledges that relationship was not an issue for the participants, only for her. She believes that she overstepped the boundaries of a mediator and was not "with the participants". The roleplayers agree. On the other hand, in the mediation, Kelly's stories do reflect her struggle to gain recognition. There may indeed be a cultural story, framing the social world of family and sibling relationship, remaining untold, yet not totally unknown by Shaun and Kelly, nor totally silent. Let us consider Kelly's words to Shaun about the development of the property: "I wanted to show you that I could." When Shaun

approves her work with "I think that you did check it out . . . which is great," Kelly is pleased and responds with "You know how long that's been since you've ever said it's great." Kelly appears to see the value of her work in connection with Shaun. Kelly's stories may have indeed resulted in some aspects of 'growth-fostering relationships'. In particular, each person has a more accurate picture of self and other; each person feels a greater sense of worth; and feels a stronger sense of connection to the other. Even though relationship was not an issue that Shaun and Kelly wished to talk about, the relationship did grow as a result of the understanding gained through Kelly's stories. Hence, when the mediator asks Kelly if relationship is an issue for her, her response "how we talk or what we resolve will influence whether we have a relationship at all" (H33-34) seems apropos, and especially insightful.

The Correspondence Between Mediator and Disputant Experiences

In this study, the performance of the student-mediators in the roleplays is not compared with that of the seasoned mediators. Although the student-mediators have been judged 'competent' as mediators, they are indeed novices. As such, they likely lack the same level of awareness as those mediators interviewed for the study. Then, in this section, mediator views about storytelling in mediation are matched against disputant storytelling and disputant response to storytelling in mediation. A comparison between mediator interview data and disputant roleplay data seems particularly appropriate in this study. First, the interviewed mediators generally speak about their experiences within the contexts of family and workplace/organizational mediations. In the roleplays, similar circumstances are afforded. One roleplay is a custody-access dispute. Another is between neighbours. Three others deal with sibling conflict. Thus, storytelling is being investigated within similar communities of practice. Secondly, there is a resemblance between the interviewed mediators' goals and associated roles in mediation, and the goals and roles as set forth in the roleplays. The interviewed mediators believe the goal of

mediation to be one of communication. Exceptions are noted by some mediators, for some contexts, such as marital breakup, custody and access, commercial/labour disputes. They, then, pursue a goal of settlement. Similarly, in the roleplays, the custody-access mediation is agreement-focused, whereas the others describe participant communication goals. Accordingly, the role of the disputants in the roleplays is to talk and really listen to one another, while the mediator designates himself/herself as a neutral. Likewise, the interviewed mediators identify their roles in terms of: helping to broaden perspectives, tracking versus leading, handing over tools, translating, and offering/managing/assisting. They understand mediation to be client-driven. Finally, the interviewed mediators also serve in a roleplayer-coach capacity at the Justice Institute. For this reason, the match between what the interviewed mediators report about storytelling in mediation and what disputants in roleplay do around storytelling should be similar. Further, there is consensus among the interviewed mediators that their roleplay performances closely resemble real life. Consequently, this level of comparison seems suitable.

As noted previously in this chapter, the orientation of the mediator towards mediation influences the talk that occurs. A couple of the interviewed mediators adopt a problem-solving orientation to mediation in cases of marital breakup and custody-access of children. Eric is one of these mediators. His inclination is to shut down stories as he believes that it is not the mediator's job to listen to stories focused in the past, but rather to help the parties see the present and move towards the future. In a like manner, this practice of disavowing storytelling is evident in the Sally Campbell mediation between Ron and Louise. In spite of the rule to maintain a forward-focus, Louise does tell a story about her past relationship with Ron. Her rationale for doing so is not clear. Regardless, her actions bring to mind several comments made by the interviewed mediators. First, Lazo reminds us that people speak in a manner of their choosing despite rules. Next, Michelle understands storytelling to be the "teller's experience". Relatedly, Alora believes storytelling to be directed towards satisfying intrinsic needs to tell the story, to have the

story heard, and to have it understood. These comments all seem applicable to Louise and her storytelling.

Another reason that the interviewed mediators cite for storytelling is that story provides an opportunity to reflect. In the case of the Michael Adams Mediation, Shaun's evolving story about the trees allow him to understand their significance. As Myrna notes, the teller often doesn't know the point of the story but telling the story helps to clarify. Moreover, Lazo reports that some people have their story altogether and others need more time. Consequently, the parts need to be pieced together as Shaun's did in the tree story. Still, another purpose ascribed by the interviewed mediators is storytelling to share understanding, to "build" or "paint a picture" for the listener. In the three Inheritance Scenario mediations between Shaun and Kelly, all the Kellys tell everyday life stories to ensure that Shaun gets the picture of what happened, and equally important, why it happened. Hence, their stories contained both the events and an evaluation of those events. In addition, some everyday life stories connote emotion. For instance, in the Sena Paradis Mediation, Shaun remarks, "I can see how he's upset." In these ways, Alora is accurate when she describes stories as providing clues as to how people think and feel. As well, Claire believes that a story can be an indicator of "what their [the teller's] values are and how history in their life affected their decision making." You can see Claire's point in the Sena Paradis Mediation where Shaun portrays Kelly as a "free spirit".

For all that, the interviewed mediators also know that there are different levels of story, that is, an overall story and a story about every issue, and that stories may be told in their entirety or only in "snippets". In the Amy Yu Mediation, everyday life stories are told about each issue. Similarly in the Sena Paradis Mediation, there are everyday life stories; however, they are framed with pieces from the bigger biographical stories of Shaun and Kelly. When only "bits and pieces" of a story are told, some of the interviewed mediators recognize that if the story is important, those bits will continue to surface again and again. This is what happens for Shaun in the Michael Adams Mediation over the trees

and also for Joan in the Shelly Dales Mediation about her dog. Neither feels as if they stories have been heard; regardless of whether or not they have actually told them, and bring them forward repeatedly. At the same time, Joan responds as Myrna suggests happens when a story goes unheard. Joan gets angry, shuts down, and when she next tries her story, it has a sting. Meanwhile, the interviewed mediators mention that certain personality types do not tolerate stories well. Larry may have such a personality. Joan is not finished her story but Larry wants to move on. He says, "I don't see any point dwelling on it or talking about our dogs' trauma." Therefore, storytelling can be problematic when the other disputant is not interested in hearing stories and wants to deal with the present and future.

Other mediators observe that in some situations when a listener may not be attending or appearing receptive, the storyteller tries to engage the support of the other disputant or the mediator for the story. You can see this in the Amy Yu Mediation. Within her storytelling, Kelly interjects, "You know how much I feel about . . ." to further engage Shaun. Earlier in the same mediation, Kelly tries to bring the mediator onside when Shaun negates the story of her efforts: "See! That's what I mean. I'm naive that I don't know anything."

In contrast, when a story has been heard, the interviewed mediators note a phenomenon which they refer to as "transformation", "a shift in understanding", "the ah ha moment", "adding to the human spirit", and "the nickel dropping". The phenomenon is characterized by movement from a separate stance to one that is more connected. On some occasions, story is the force behind the movement. In the three Inheritance Scenario mediations, stories appear to be the force responsible for movement forward and subsequent advancement of relationship. First, in the Michael Adams Mediation, Kelly recognizes the significance of the trees in the bits of Shaun's autobiographical story; causing Shaun to move away from his perception of getting "the short end of the stick". Secondly, in the Sena Paradis Mediation, the re-writing of biographical stories through

everyday life stories results in Shaun and Kelly having new awareness and responsiveness towards each other. Lastly, in the Amy Yu Mediation, Kelly's everyday life stories inform Shaun in a manner that empowers them to work together.

In essence, the roleplay data appear to corroborate a number of mediator beliefs and observations about story structures, the purposes of storytelling, storyteller behaviours and listener reactions, and the promotion of understanding and relationship through storytelling. At the same time, the five hours of videotaped roleplays are not sufficient data sources to compare other aspects of the mediator interview data with. In particular, mediator behaviour towards disputant storytelling while in mediation, other storyteller reactions to interruption, negative stories, mediator use of story, stories in pre-mediation session, rules around storytelling, and storytelling in other mediation contexts, go unchallenged.

Summary

In this chapter, the data arising from interviews with 10 mediators were organized and analyzed along the dimensions of communities of practice, goals/orientation to mediation, roles, and mediator perceptions about storytelling, and mechanisms governing storytelling. All the mediators participating in the study have experience mediating within the contexts of family and workplace/organizations. They believe communication, and in particular, the creation of shared understanding, to be a primary goal of mediation. For this reason, the mediators perceive their roles as one where they facilitate communication by following the lead of the disputants. However, the interviewed mediators also acknowledge that some contexts are by necessity, more settlement-driven. Accordingly, one mediator discourages storytelling in his mediations as he believes his job is to have his clients deal with the present and move towards the future.

On the other hand, the other nine mediators recognize that disputants tell stories for a number of different reasons: to describe events, to reflect, to appeal to the listener

on an emotional level, and to satisfy intrinsic desires. In addition, they know that people tell whole stories and parts of stories in mediation, and that there are little stories inside bigger stories. They see that sometimes when one party tells a story and it is understood by another, a type of change happens, bringing the parties closer together.

In the same way, the mediators note what occurs when a story is not heard or interrupted. The storyteller may become silenced or resume his/her telling with anger. The mediators try to support the storyteller through a number of interventions: acknowledging, summarizing, and questioning. Interventions are especially critical when stories are used to attribute blame to the listener. Nine of the mediators conduct an individual pre-mediation session with each of their clients, which in part addresses blaming, negative stories. Moreover, four mediators themselves employ storytelling to assist their clients in reframing their understanding on issues.

Subsequently, the data derived from the five videotaped roleplays were approached phenomenologically and organized along the dimensions used for the mediator interview data. Occurrences of everyday life story, autobiographical story, biographical story, and cultural story were investigated with respect to changes in disputant understanding, behaviour, and relational development. In this way, the roleplay data were used to mirror the meaning created from the mediator interview data.

CHAPTER FIVE: SUMMARY, IMPLICATIONS, AND RECOMMENDATIONS

Introduction

Despite a long history and wide-spread popularity, dispute mediation has developed without a recognizable theoretical framework. Empirical studies in mediation call into question the premises upon which practices are based. At the same time in some circles, there is a concern that mediation is being overlooked as a venue for enhancing interpersonal relationships, and subsequently, advancing personal growth. In this study, storytelling is investigated as a means both in forming mutual understanding between disputants and in promoting relationship and personal development. As well, mediator awareness and use of story as a process strategy is examined. The study assumes that understanding or knowing is not solely possessed by individuals but rather achieved through activity. Consequently, mediation is viewed holistically as an activity system and framed in the theory of distributed cognition. Furthermore, the distribution of cognition is dependent upon situational and other local conditions. Using Cole and Engestrom's (1993) model, these local conditions or dimensions of community, rules, and division of labour (roles) are also accounted for in this study of story in mediation.

This chapter begins with an overview of the study. For each research question, the findings are discussed and responses presented. Implications for mediation practice, limitations of the study, as well as a practice theory for mediation follow. The chapter concludes with suggestions for future investigation.

Summary of Study

This study sought to address the questions: (a) What is the function of story in dispute mediation? (b) How relevant is past history in the present dispute to the participants? to the mediator? and (c) What patterns of storytelling and story listening appear to affect the relationship of the participants in dispute? To these ends, 10 mediators were interviewed to gain their perspectives on mediation. The mediators whom were selected for the study met two criteria. First, they had served as roleplayer-coaches in the Certificate in Conflict Resolution Program at the Justice Institute of British Columbia. Secondly, they are practicing mediators who are named on the list of mediators distributed by the Justice Institute to the general public. The selected mediators were asked to consider the goal(s) of the activity; their role as mediator and the role of the participants; the use of story in mediation, its effects, and rules governing storytelling. The data were filtered through the dimensions ascribed to the distributed cognition model, reduced using ethnographic strategies, and reported as narrative supported by vignettes and multivoiced text.

Videotaped mediation skills assessments produced as part of the Certificate in Conflict Resolution Program and available from the Justice Institute Library collection served as a second data source. These videotapes record student-mediators in various conflict scenarios roleplayed by colleagues to the mediators who were interviewed for the study. In other words (with the exception of the Sally Campbell videotape), the disputants in the videotapes come from a population similar to, if not the same, as that of the interviewed mediators. The data from the videotaped mediation simulations were approached phenomenologically to capture the lived experience of disputants in mediation with reference to relational changes created by storytelling. In addition to relationality, the existentials of space, body and time were considered. Drama was selected to represent the videotaped mediation assessments/simulations as the form parallels the action of roleplay. The dramas are presented in the Appendices. Notwithstanding, phenomenology assumes

that the primary process of understanding is indeed linguistic (Maxwell, 1990), so the emphasis in the analysis is on dialogue. Accordingly, relationality as perceived in Gilligan's (1993) ethic of care is highlighted in the data using the markers denoting perspective of separate self and perspective of connected self (Lyons, 1988). In some instances, the notion of growth-fostering relationships (Miller, 1986) is applied. The mediator interview data and mediation assessment data were then brought together and analyzed as a larger unit to create a new gestalt; identifying the functions of story in mediation with respect to conditions which promote understanding and foster participant growth.

In this next section, the discussion is organized with respect to the functions of story in mediation, the conditions or patterns that are conducive to storytelling, and the relevance of past history to all three parties in mediation. As well, stories and promotion of relationship are considered in light of mediator goals or orientation. The functions of story in mediation are considered here first.

Functions of Storytelling in Mediation

In discussing Bakhtin, Emerson (1986) notes that in specific speech acts, each individual takes part in two perpendicular activities: one where she/he forms horizontal relationships with other individuals, and one where vertical relationships are formed between the outer world and her/his own psyche. In mediation, story is used to accomplish activity in both planes and evidenced in the comments from the interviewed mediators and in the action of the videotaped roleplays.

In considering the role of story in forming relationships with other individuals, the mediators interviewed in the study believe that storytelling provides an account for the listener that addresses the events that happened and the teller's evaluation of those events; simultaneously appealing to both the listener's intellect and feelings. Similarly, in the videotaped roleplays, disputants are observed to tell everyday life stories to relate their

experience with the issues in conflict. The disputants describe the sequence of events as they happened and give the reasons which motivated them to act. Consequently, story serves to convey the individuality or emotional speech intent of the teller (Bakhtin, 1986). Similarly, Rosen (1986) perceives that to tell a story is to take a particular stance towards events. However, while stories may describe and account for the teller's experience, they do not necessarily create understanding unless translation or 'fusion of horizons' (Gadamer, 1975) as it applies to the integration of separate interpretations can occur.

The interviewed mediators are aware that each disputant has her/his own a set of stories and that in mediation, each individual's story needs to be accommodated simultaneously in order for translation to occur. Alora, in particular, grasps this concept. She parallels mediation with the ability "to be able to hold two very different points of view in the room at the same time". Moreover, she and other mediators attribute the shift in perspectives resulting in similar points of view or understanding about an issue, to the new awarenesses gained through the stories being told. Thus, story forms or assists in forming symmetrical or reciprocal relationships where disputants share the same focus of attention and similar viewpoints.

At the same time, story constructs understanding within individuals. In the study, a few of the interviewed mediators mention in some way that storytelling is "the teller's experience" and enables the teller to reflect upon her/his experience and to better know it. As well, you can see this in the Michael Adams Mediation where Shaun struggles to both understand and convey the significance behind the trees. Hence, participants in mediation may also tell stories to revisit experience and actively make sense for themselves.

Freeman (1985) suggests that storytelling is a way of objectifying experience. He writes, "As developing individuals, individuals continually in the midst of representing ourselves to ourselves, we might say that self-understanding involves something like a process of distancing such that we objectify our experience in the form of a text to be interpreted" (p. 310). So, by storytelling, an individual puts herself/himself into the

position of both the teller and the listener. In this respect, Freeman's belief resembles Gadamer's (1975) concept of interpretation in which an individual's private understanding is expressed publicly, as well as Randall's (1995) notion of an expression story in which learning and expectation temper the public telling of events. Stories in mediation, then, are not only how the listener comes to understand the teller but also how the teller makes sense of her/his own experience. Consequently, the patterns and behaviours associated with the role of story in mean-making need to be contemplated.

Patterns of Storytelling in Mediation

Bruner (1996) describes the hermeneutic circle, where story is subject to interpretation, as a "part/whole tail-chasing" (p. 122). That is, the events related in a story derive their meaning from the story as a whole, while the story as whole is constructed from its parts. In this study, the same sense of ambiguity in mediator understanding and use of the term 'story' exists in reporting disputant behaviours. The mediators recognize that story is both process and product; exemplified by Susan's comment, "people talk in story". As the mediators have difficulty in making the part-whole distinction, some believe whole stories are told in mediation. Others see only "bits and pieces" being told. Richardson (1990) contends that narratives, in delineating experience into humanly relevant time, are not clearly distinguishable from one another, but rather, overlap and intersect. The videotaped roleplays indicate that whole or complete everyday life stories are often told in mediation, and incomplete autobiographies, biographies and cultural stories co-exist. The nature of incomplete stories is discussed here, prior to overall considerations of effective patterns and behaviours associated with storytelling and story listening.

Incomplete Everyday Life Stories

As previously noted, everyday life stories are used in mediation to both recount and account for experience and can work to advance understanding. However, when an everyday life story is interrupted or when the complete version is unheard, or not understood by the listener, the story re-surfaces in the mediation. The teller may resume the story, sometimes a little more mechanically, sometimes reflecting hurt and anger, sometimes with silence. Such is the experience of the interviewed mediators and borne out in the Shelly Dales Mediation. In that mediation roleplay, Joan cannot move from her separateness. She has not fully told about her experience of having her dog attacked, nor does she feel as if Larry truly understands what she has already said. She resists the efforts to engage her to work with Larry. Yet, on occasion, even when everyday life stories are completely related and understood, they may not fully address the teller's needs. For instance, in the Michael Adam's Mediation, the reason that Shaun and Kelly cannot share the same viewpoint or reality is that they do not even share the same focus of attention. For Shaun, the conflict extends beyond the issues of property development, cost and consultation right into his past, to his memory of the trees. Throughout the mediation, he brings forth those parts of his past which explain the significance of the trees until the picture becomes clear. Thus, in conflict, everyday life stories cannot necessarily create mutual understanding on their own. In some instances, they are incomplete insofar as their intersection or overlap with other stories has not been illuminated. A recognition, if not understanding of the past as authored in autobiography or biography may be required.

Incomplete Autobiographies and Biographies

Acknowledging that memory is organized by stories (Randall, 1995) and applying the notion of 'fusion of horizons' (Gadamer, 1975), each individual can be thought of as bringing her/his own horizon to mediation. Each individual horizon can be seen as the

individual's autobiography and likewise, the horizon of the other as a biography. Accordingly, an individual's autobiography establishes the person's preferences and prejudices and forms the lens through which to view the other and the conflict. Sometimes, the biography that the listener forms of the teller can work to advance mutual understanding and the mediation. As Claire see it, story is an opportunity to make inferences about the teller's values, driving forces behind her/his decision-making, and history. Sometimes, though, if the biographical story is based upon limited episodes and not authored from the point of view of the subject, then the biography can impede mutual understanding. In the case of the Sena Paradis Mediation, Shaun and Kelly are fixed in their impressions of each other as the "number cruncher" and "free spirit"; hindering their ability to conceive that there are other factors motivating each other's actions. Similarly, Cobb (1994) stresses the importance of telling complete stories. She believes that the more complete the story, the less vulnerable it becomes to alternative interpretations. Essentially, incomplete and limited stories are problematic in mediation. Moreover, from the domains of narrative theory and legal discourse, additional attributes such as coherence and clarity are seen to define effective patterns and behaviours for storytelling.

Coherence and Clarity in Stories

Bruner (1996) opines that the truth of a story resides in its verisimilitude or lifelikeness. Rosenwald (1992), in elaborating Bakhtin's model, argues that good stories must be coherent in both the horizontal and vertical planes. He holds, "A good story must not only be horizontally coherent--episodes hanging together to warrant generalizations--but vertically--episodes warranted by acts, feelings, and so on" (p. 285). Relatedly, Fisher (1985) surmises that stories are assessed by principles of coherence and fidelity. As well, Austin (1995) discerns that a story worth telling in the legal arena is one that supplies a new perspective and has a potential for opening a dialogue, while demonstrating clarity

and unity. On the whole, these writers concur that coherence and clarity are significant features in determining the quality of a story.

Nevertheless, the interviewed mediators do not stress coherence as an important factor in storytelling. In part, this lack of emphasis may be due to the part-whole duality of story, as well as the mediator's orientation to mediation. In particular, those mediators who hold communication as a primary goal of mediation and understand their role as facilitative, know that their clients are "going to speak the way that they know how to speak". These mediators perceive mediation as demanding a certain verbal skill level which clients may not have, forget to apply in the moment, or choose not to use. As a result, some interviewed mediators identify their role as one where they bring cohesion to the story. They refer to the process of assembling story parts using metaphors of connecting jigsaw puzzles and tying threads together in a tapestry. Other mediators do direct their attention to achieving more clarity in the story. Lazo questions the listener's comprehension if he doesn't follow the story himself. Similarly, Michelle asks about the relevance of the story so it is clear for the listener, too. Thus, cohesion and clarity are recognized as important to stories in mediation, but they are not the sole responsibility of the storyteller.

Equally important in the creation of cohesion and clarity in story are the conditions of storyteller skills and listener perception. Generally-speaking, the interviewed mediators allow stories to unfold as the teller wishes. The mediators assume that the stories told by the disputants reflect their skill level or disposition at that moment in time. Accordingly, if storyteller skills appear inadequate to meet the needs of the moment, the mediators attempt to facilitate the process. When the story is interrupted or not being heard, they try to establish the significance of the story and support its telling. If the same word or topic re-occurs, the mediators sense that more exploration of the story is required. Somehow, that story is incomplete either in the telling or understanding. They also employ strategies to engage the listener in the story when it appears that she/he is not present. They may

ask the teller to affirm the story's relevance, inquire as to the listener's perception at the moment and explore areas of discrepancy, repeat the story, acknowledge key points, or summarize. At the same time, the mediators promote the notion that storytelling needs to reflect the teller's perspective without attributing blame or responsibility to the other party, and thereby cause more defensiveness. The mediator usually intervenes when a blaming story is told. The mediator may even tell a story herself/himself to model and normalize the behaviour of storytelling and listening, or to generally garner awareness and sensitivity to stories. In these ways, mediators perceive their work as ensuring that stories are cohesive, clear and heard by the listener.

Opportunity to Tell Stories

Besides storyteller/mediator ability to support the telling of story, opportunity appears to be another factor influencing the pattern of storytelling in mediation. As observed in the interview and mediation roleplay data, some mediators can disavow storytelling so the disputants may not necessarily have permission to tell their stories. Other interviewed mediators are influenced by the constraints of the overall time allotted to the mediation and the tenuous dynamic of balancing air time between disputants during storytelling. Moreover, the training of the mediators may have an impact. The mediators in the roleplays act in accordance with the Justice Institute Centre for Conflict Resolution Mediation model and ask the participants to keep their opening statements brief and so define how disputants may speak.

Even though Billig (1987) asserts that people have the autonomy to decide how to react in spite of the rules defining the occasion, the participants in the mediation roleplays have indeed been instructed to give brief opening statements. In the Shelly Dales Mediation, Joan has an everyday life story about her dog being attacked that she very much wants to be acknowledged but her opening statement consists of Larry's dog is the problem and needs to be disposed of, and a mere two sentences recounting the event.

Despite later mediator encouragement to express how she feels, she declines. Similarly, in the Michael Adams Mediation, Shaun's opening statement includes mention of the trees as an afterthought rather than the central issue. However, David, one of the interviewed mediators agrees with containing the opening statement and points out that he does not find it particularly helpful to have everything said up front, as the parties are usually anxious and confused at the beginning of the mediation. Instead, he hopes to provide them with opportunities to tell their stories later on in the mediation; once trust in himself and the process have been established. Garrison (1996) agrees that openness involves risk and vulnerability. He believes that to listen well, the listener needs to understand the meaning of the other in her/his own terms by suspending one's own interpretive preconceptions--to be open. For this reason, creation and maintenance of a safe environment such as David speaks of, may be more conducive to listening well.

On the other hand, while other mediators do not negate the importance of creating a safe space within mediation, they think that some parties are not going to listen until they have told their story anyway. One mediator has learned to have no expectations around opening statements as "some people like to tell you the whole thing all at once and they take a long time, and some people are very quick" and prefers to accommodate individual differences. Hence, the provision of opportunity to tell stories appears to be left up to the mediator but disputants may also choose their own time.

On the whole, stories that are complete, coherent, clear and free of blame to the listener appear to best advance understanding. In order to achieve these qualities, mediators operate in a facilitative role in both the provision of opportunity and the support of the telling.

The Relevance of Past History

The relevance of past history and storytelling in mediation is affirmed in both theory and practice. In theory, the present cannot exist without the past (Gadamer, 1975)

and the temporal nature of life becomes accessible through narrative (Richardson, 1990) and connected by stories. Otherwise, unless organized by stories, individual pieces in memory are disconnected from preceding and subsequent events. Randall (1995) asserts, "Memory is memory for stories, and the major processes of memory are the creation, storage, and retrieval of stories" (p. 66). Randall believes that story is fundamental to not only memory, but to knowledge and intelligence as well. In practice, the emergence of past history appears in the Michael Adams Mediation with Shaun and his childhood experiences with the trees, and in the Sena Paradis Mediation with both Shaun and Kelly and their memories of growing up together. Another example is in the Sally Campbell Mediation where Louise disregards the mediator's rule of maintaining a present and future-focus to tell the story of her marriage to Ron.

Similarly, most mediators see the importance of the past in the current dispute. For example, Susan illustrates her understanding about the relevance of past history when she cites the lady and her childhood experiences around smokers. Alora tells of the father and his own youth experimenting with drug use. Those mediators who hold this level of awareness about the significance of the past will attempt to uncover the past and assist the storyteller in authoring her/his story. To do so, many mediators conduct an individual pre-mediation session outside of the joint mediation. Kathyryn, Owen, Lazo, and Myrna specifically spoke about the meeting as an opportunity for each party to tell his story at length, with "sarcasm and dumping" if the party wishes and furthermore, have the story acknowledged by the mediator. Occasionally a "therapeutic kind of work" occurs. As a result of the pre-mediation session, the mediators report that in the mediation, the parties can be more concise with their stories and not spend as long telling them. As well, "they [the participants] don't have to go to theatrics." Consequently, an individual pre-mediation session provides a participant with an opportunity to not only hone her/his story, but also offers a chance to further understand her/his own past experience.

While in joint mediation, mediators will explore stories or hints of stories that may underlie the issues at hand for they believe this past history may be relevant to the conflict. As seen in the Michael Adams Mediation, the uncovering of the tree story is critical to moving forward in the mediation. On the other hand, the mediator may conduct such an exploration of the past needlessly. For instance, at the beginning of the Amy Yu Mediation, Shaun and Kelly engage in name-calling which leads the mediator to suspect a relational issue. For a few minutes, the novice mediator wants to lead them into such a conversation before she realizes that she is mistaken. The interviewed mediators propose that behaviours such as name-calling, interrupting, and not listening may be indicative of the participants' past communication style with each other and not necessarily a sign of the present conflict. Thus, participant communication style may be an indicator of either the past or present conditions.

Finally, some mediators acknowledge the relevance of past when they tell stories from their own past experience. They do so to reframe the conflict. They believe the stories will influence the ways the disputants see each other and the conflict. Even Eric who prohibits disputant stories, understands that stories may alter behaviour by providing a "reflection" of another reality in contrast to the disputant reality, and therefore, tells stories based upon his own life. In this way, the mediator-storyteller hopes to change the disputant's present perspective by accomplishing a 'fusion of horizons' between the mediator's past experience and knowledge and the disputant's present.

An Orientation Towards Relationship and Participant Growth

Although the present seems inextricable from the past, and relevant to disputants and mediators alike, the omission of the past is considered to be the fine line separating mediation from some types of counseling therapy (Kelly, 1983; Myers & Filner, 1993). As stories recount past experience, storytelling maybe excluded from mediation. In particular, Eric appreciates that storytelling has a therapeutic purpose, but does not

condone storytelling in mediation as he perceives it to be beyond his role as a mediator. Eric associates storytelling with therapy. Likewise, participants in mediation may even view talking about relationship as therapy. For instance, in the Amy Yu Mediation, the participants do not wish to talk about their relationship. One party notes, "I'm not sure that I want to get into therapy about our upbringing and relationship."

While some practitioner-writers opine that mediation should adopt a forward-focus in order not to be considered a venue for therapy, both the literature and data in this study suggest that story is a fundamental means in which we organize and share our knowing. In this light, a present and future-focus for mediation appears to be an imposition of an artificial dichotomy; reflecting mediator idiosyncrasy and perhaps a desire for efficacy and speed. Relatedly, some participants in mediation do not come to the activity to have intrapersonal/interpersonal issues treated. In essence, much depends upon the mediator's orientation to mediation and participant expectations.

Alora aptly expresses the influence of mediator orientation or ideology, "if the mediator feels that the participants do not have the capacity to resolve their own conflict then the mediator will become directive and then often miss what the outcome is going to be because you are taking it down a path you believe it should go in, or it doesn't get resolved." While Alora is not alone in subscribing to an orientation in mediation that includes client-directed goals and means, she, in particular, subscribes to a relational ideology as prescribed by Folger and Baruch Bush (1994). In the relational view, empowerment, the strengthening of an individual's capacity for dealing with problems, as well as recognition, the understanding of the situation of the other, are both valued. Since occurrences of transformation and intrapersonal/interpersonal growth were noted in the interview and roleplay data and attributed to storytelling, we can presume that: (a) within the framework of Justice Institute Centre for Conflict Resolution Model of Mediation, the promotion of relationship and fostering of participant growth are possible and dependent

upon the goals of the mediator and the participants, and (b) stories are a means in not only creating understanding but also advance intrapersonal/interpersonal growth.

Conclusions

In response to the three research questions that this study sought to address, the following conclusions are drawn:

1. In dispute mediation, stories appears to serve a number of purposes. First, everyday life stories are the stories people tell to account for their everyday experience and explain how they accomplish their tasks. In mediation, disputants tell everyday life stories when asked to give the reason for why they acted in the manner that they did. As well, they may also tell everyday life stories in order to revisit and actively make sense of an experience. Second, autobiographical and biographical stories are the lens through which disputants view each other and the conflict, and use to establish their preferences and prejudices. Next, mediators tell stories to change the way people perceive something. They tell stories to reframe. They may tell everyday life stories to normalize the situation. They may tell autobiographical or biographical stories to show similarity of circumstance and difference of response. They may tell cultural stories to spark imagination and to invite communication. They may tell collective stories to offer up a new pattern. In essence, people tell stories in mediation to create understanding both between and within persons.
2. History outside of the issues actually in dispute is important to the conflict and to all parties in mediation. Disputants may bring up stories or parts of stories of the past even though they are instructed by the mediator not to do so. Their autobiographical stories of themselves, and biographical, or even cultural stories of each other, whether told or not, frame the way they see the world and influence their communication patterns. Similarly, mediators may tell stories to share their own past experiences and knowledge to assist disputants in reframing their understanding.

3. Patterns of storytelling in mediation reflect the intrinsic nature of stories where they have the status of open works (Bronckart, 1995) upon which people are to build their understanding. Disputants may tell complete stories, or incomplete stories that require further development. Depending upon the mediator's orientation to mediation, she/he may encourage the storytelling by providing both opportunity and structures to develop cohesion, clarity and closure for the story.

When the listener perceives and understands the teller's meaning, the listener takes an active responsive attitude by agreeing or disagreeing, completely or partially (Bakhtin, 1986). In mediation, when the storyteller believes that her/his story is not heard or blocked in some way, different reactions result. The teller may be silenced, or may continue the telling with a different emotional intensity. The teller may repeat the story parts again and again until heard. The teller may try to bring the mediator or even the other disputant onside, by interjection to check for grounding. Neither understanding nor relationship between the disputants is promoted. However, when the story results in the disputants sharing the same focus of attention and similar viewpoints of the issue in conflict, a transformation in which each disputant can see herself/himself in connection to the other may occur and relationship is advanced. Thus, story is not only the means in which we organize and share our understanding but also a force that drives our growth in relationships and within ourselves.

Implications for Practice and Teaching

Storytelling is a basic tool in creating understanding in mediation and should be encouraged and facilitated. Bruner (1996) believes that stories are "the most natural and earliest way in which we organize our experience and our knowledge" (p. 121). Certainly, the interviewed mediators agree that stories are how people organize their experiences both for others and for themselves. In the roleplays, the disputants are also observed to tell stories, even if it means overriding rules not to. Then, recognizing that stories and

past history are critical to the understanding of conflict and its subsequent mediation, has implications for the practice and teaching of mediation. These implications are considered according to the effected dimension of the activity: governing mechanisms, roles, community, and overall goals of the activity.

Implications Related to Governing Mechanisms

Mediators need to accept opening statements without limiting them by asking disputants to be brief. As can be seen in the case of the Shelly Dales Mediation and Michael Adams Mediation, not having a chance to tell one's story, or not feeling comfortable or safe to do so, can impede the mediation. Disputants are also observed to not cooperate until they have told their story. By choosing to get their stories out there, disputants may have to oppose the mediator and violate instructions.

Mediators should give preference to 'tracking' strategies and interventions. The interviewed mediators propose that from the array of interventions at their disposal, specific strategies are key to getting the story going, to developing the story and to ensuring that it is heard. However, the selection and application of a specific strategy or intervention appears to be guided by the mediator's own perception or image of the process. Let us consider those mediators who note the recurring emergence of the same point as an indicator of an underlying or yet, untold story. These mediators provide for the uncovering of story and its telling with acknowledging, questioning, and summarizing. They view their role as one of 'tracking versus leading' and compare the process to other activity using metaphors. In contrast, more directive mediators may not be sensitive to story and storytelling, and apply different strategies. Similarly, some mediators may perceive abusive or blaming stories as a cue about the storyteller's desire to be heard and understood, whereas other mediators may dismiss the story and pursue the management of the emotional climate.

An individual pre-mediation session can be a mechanism to influence the storytelling that may occur later in the joint mediation session. The interviewed mediators identify individual pre-mediation sessions as an opportunity for each party to tell her/his story, come to an understanding for herself/himself, refine the telling, and perhaps even come to a sense of closure about it. Thus, the mediator may wish to devote particular attention to these tasks during individual pre-mediation sessions.

Implications Related to Roles

The development of coherence and clarity of a disputant's story are not the responsibility of the storyteller alone but are to be supported by the mediator, as well. Myrna, one of the interviewed mediators, observes about mediation "in some ways it feels like you speak different languages and we assume we don't, so when you talk I may hear something and probably do hear something fairly different than what you said." She sees her role as that of a translator. Similarly, Alora perceives her role in facilitating communication as a "sort of the go-between". In other words, these mediators are supporting the notion of neutrality as equidistance (Cobb & Rifkin, 1991) where the mediator temporarily aligns with one of the parties in order that she/he may elaborate on an issue. Bringing that notion to this study means that the mediator actively supports the storyteller by entering into a hermeneutic relationship (Stewart, 1983) where the mediator reproduces the meaning that was originally produced by the storyteller. So, continuing in the storytelling metaphor, consideration into strengthening the mediator role as sometimes chorus -- a commentator, as well as figure who gives the prologue, epilogue and introduces major parts; sometimes *raisonneur* -- a character who acts as the author's spokesperson in which she/he comments on the action and helps to express the author's views (Beckson & Ganz, 1975); and sometimes editor -- one who helps assemble a story with clarity, cohesion and closure, is warranted.

Disputants need to reflect upon the mediation outside of the mediation. The work of the disputants continues on as they "ruminate on what they heard or what they said" after the joint mediation. Later, should another mediation session follow, the disputants return changed or further entrenched in their own viewpoints. One way that a mediator might transcend the temporality of 'in mediation' work and extend the activity, is to give the clients homework where specific points are highlighted for consideration.

Implications Related to the Community of Mediation

Mediator training needs to include the function and importance of stories and storytelling, as well as provide experience with stories in mediation. Towards this end, readings about conflict theory could be juxtaposed with readings about hermeneutic theory or understanding, and extended to awareness of discourse, and stories in particular. In addition, student mediators need to know how prevailing ideologies influence goals and shape discourse. Next, this knowledge needs to be integrated into practice. During the experiential or practicum components of training, student mediators could be asked to identify in roleplays, videotapes, or transcriptions of mediation, occurrences and patterns of stories and storytelling, associated mediator interventions, and how these factors combine as opportunities to create mutual understanding.

Since mutual understanding becomes a mediator goal for mediation, student mediators need to consider what mutual understanding or the "ah ha moment" is; what it looks like; what steps are required to get there; how to test that they are there; and what to do once they are there. Metaphors of gardening, weaving, doing puzzles, translation, nickel dropping may be especially useful in the teaching and understanding of the phenomenon.

A mediator who holds a relational ideology needs to consider her/his level of training and skill within the area of intrapersonal/interpersonal development. Many of the mediators interviewed for the study have a counseling background and are comfortable

and competent in the relational paradigm. Other mediators may be less skilled. For this reason, professional standards may need to address competencies relevant to psychological development.

Implications Related to the Goals of Mediation

The distinction between mediation and therapy based upon storytelling and its connection to past experience, should be dissolved. Stories are a means to understanding in both mediation and therapy. Likewise, as a mediator openly adopts the role of listener during an individual pre-mediation session and assists in reauthoring the client's story in both pre-mediation and joint session, boundaries between mediation and therapy become further blurred.

Clients of mediation need to be clear on the mediator's orientation and goals for mediation, just as the mediator must be sensitive to the desire of her/his clients. While mediation presents as an venue for promoting relationship and subsequently, participant growth, a mismatch between client conception of mediation (and in some cases, the purported purpose of the activity) and the underlying ideology of the mediator may exist. In their opening statements, clients tell about the situation and the problems that are in need of satisfaction. At the same time, the interviewed mediators in declaring their goals for mediation cite abstract or generalized purposes for the activity; basically to do with creating a degree of shared understanding. In this study, mediator goals for the most part reflect a relational ideology. However, client expectations about mediation as problem-solving activity operate more in an individualistic frame; dealing with the satisfaction of individual need. Mediators who find themselves wanting to promote relationship and to be transformative by encouraging participant stories, are influenced, if not constrained by participant considerations about outcomes, time and fees. Likewise, participants who may not necessarily have their difficulties resolved in mediation, may report that they somehow

feel better having gone through the process. Consequently, the paradox creates needless tension.

Relationship is a worthy goal of mediation. The overall prevailing sense is that relationship is not necessarily a legitimate goal in itself, as it goes undeclared to the disputants in mediation and the potential clients of mediation. However, Winslade, Monk and Cotter (1998) suggest that good relationships expedite agreements and mediators like David believe that agreements will only last if the parties have an "internalized commitment" developed through transformation. Furthermore, a number of alternative approaches to mediation have arisen in addition to the transformative view proposed by Folger and Barush Bush (1994). Putnam (1994) refers to a communitarian model which orientates each party's view from an individualistic frame to one where self is only seen in connection with the other. Benjamin and Irving (1992) advocate for a three phase therapeutic family mediation model; where the second phase is a therapeutic process designed to effect behavioural and attitudinal change. Drawing from narrative therapy, Winslade, Monk, and Cotter (1998) depict a narrative approach to mediation which incorporates the development of an externalized story of the conflict. Essentially, all these models place a higher value on personal development and relationship than substantive issues.

Limitations: A hindsight view

In the rubric of distributed cognition, knowledge is socially constructed in culturally organized settings. This study of the activity of mediation represents a view by a particular set of individuals within the culture of the Centre for Conflict Resolution at the Justice Institute of B.C. All mediators interviewed for the study roleplay-coach at the institution and are representative of the training there. Mediators trained elsewhere or involved with other training programs may have perspectives on storytelling in mediation different from those presented in the study. While the mediators in the study have

practised in a wide range of contexts including family, organizations, community and personal injury, the experience of mediators practising in other contexts may be dissimilar.

Most mediators in the study hold a relational ideology. The predominance of a relational orientation among the mediators may be attributable to the influence of the mediators' previous training/work in counseling or other care-related roles. Mediators with law, administrative or business backgrounds may have a more individualistic orientation and prefer discourse patterns other than storytelling. Relatedly, gender differences for mediators and disputants are not accounted for in the study. A relational orientation may be gender-related, as communication styles may also be.

Moreover, the ethnicity of neither mediators nor disputants is considered in the study. All the interviewed mediators and disputant roleplayers appear to be of European ancestry and competent in the dominant culture. One mediator acknowledges his European immigrant background, adding, "I've got a lot of sympathy for newcomers." Further, he implicates the importance of his "working class" history. Similarly, another mediator practising in working class communities, reports that clients who have low levels of education do not have the verbal skills for intellectually orientated mediations but can relate to stories. Although these mediators recognize that origins, socioeconomic status, and education have an effect on both mediator and disputants, that impact is not explicated in this study.

In conclusion, the limitations of this study exist with respect to the characteristics of the participants (training, practice contexts, and previous employment background), as well as consideration for influences of gender, ethnicity, socioeconomic status, and education.

A Practice Theory for Mediation

Although theories of conflict and conflict resolution exist, the connection with practice has been tenuous, if not absent. When considering a theory of conflict resolution,

Boulding (1962) invites us to meld game theory with humans needs theory. Stories and storytelling appear to be the means to accomplish such a union. In game theory, participants are assumed to share the same information about strategies and rules. When a story is told and heard in mediation, the listener learns about the teller's evaluation of the events in the story, or in other words, what strategies the teller employed in her/his actions. Hereunto implicit rules that governed the teller's behaviour are made explicit. In human needs theory, conflict ensues when human needs go unmet. While what constitutes human needs continues to be debated, storytelling is believed to satisfy intrinsic desires for self-understanding and recognition, and further access what one mediator refers to as the "human spirit". At the same time, stories enable the listener to make inferences about the teller as to "what is really important to them [sic] and what drives them; what their values are." On the whole, stories are a fundamental means for participants to not only know the same information but to understand it from the perspective of the other as well.

Boulding (1962) depicts conflict as frames on a movie reel, where the future consists of many possible frames. Reciprocal sharing of the same future reel frames is key to resolution of the conflict. The concept of translation (Gadamer, 1975) explains how this sharing of the same frame can be achieved in discourse as a "fusion of horizons". Thus, as story is a means to attaining the same understanding through discourse, as well as the way in which game theory is combined with human needs theory, a practice theory for the mediation originates from storytelling and listening.

While this study concludes that stories in mediation should be promoted and that certain patterns of storytelling and listening are especially conducive to mutual understanding, the current literature and training of mediators is generally deficient in the instruction of the execution and timing of the tasks to produce these patterns. Stage models, interventions and discrete skills comprise the 'how to' of mediation. What is clearly absent is the bridging that experience brings to knowledge and practice.

In this study, the more experienced mediators understand and describe their experience using metaphors. Allowing stories to be told is pictured as turning over stones in a Zen garden. Gathering the threads of a story and developing coherence is seen as weaving a tapestry. Changing perception and transformation are captured as the "ah ha moment" and the "nickel dropping". Morgan (1993) believes that a reflective practitioner is aware of how images, and in particular, metaphors guide and shape her/his practice. Moreover, he perceives that metaphor mirrors the way one sees and also serves as a window into a new or different perspective. Hence, the use of metaphors in training mediators would mirror the image of experience and act as the window to gaining that perspective of experience.

Even though the aforementioned examples and others found in the study are powerful metaphors and indeed valuable to training, Morgan (1993) qualifies the usefulness of any metaphor. A metaphor cannot be interpreted to the user by others because the evocative power of the image becomes lost. Users of a particular metaphor need to find and create their own meaning. Likewise, he regards a metaphor generated by the user to be more powerful than those created by others, as the metaphor becomes directly owned and has immediate meaning. Morgan also cautions about the tentative nature of metaphorical insights, as they are "open modes of understanding" (p. 291) which continue to evolve as the user perceptions are further tempered by experience. Notwithstanding, Morgan concludes ". . . metaphorical images can provide powerful tools for helping people look at themselves and their situations in new ways and, as a result, see and act in the world somewhat differently" (p. 291). Basically, metaphors can be a means for student and novice mediators to gain insights into a practice of mediation which supports storytelling.

Suggestions for Future Research

In order to address questions arising from the findings in this study, as well as some of the limitations, suggestions for future research are offered. First, a study involving actual mediations, or roleplay simulations which do not use student or novice mediators but experienced mediators instead, would enable an investigation of the temporality of mediator process strategies and interventions and their effect on storytelling. Relatedly, knowing what real disputants have to say about mediation would further elucidate what they perceive roles to be, what significance they place on stories, what mechanisms affirm that import, as well as what their goals for mediation are.

Second, the utility of storytelling in separation/divorce cases is unclear and warrants exploration to consider the practice of disavowing storytelling in the interests of efficacy or emotional climate management.

Third, the role and use of stories and storytelling in mediation by members of the non-dominant culture needs to be examined. Views on direct communication, speaking from a personal perspective, reverence for the past, spirituality and fate are a few of the factors which differ from culture to culture (Myers & Filner, 1993) and influence the means in which individuals create and share understanding.

Next, while the use of metaphors in training mediators has been suggested earlier in this study, their effectiveness remains to be determined. At the same time, the incorporation of metaphors such as Zen gardening and weaving as guiding images in practice, along with differing orientations to the mediation, suggest that general stage models of mediation may no longer represent practice. One interviewed mediator remarks, "My work is way more in Stage One all the time --what kind of tone and what kind of space are we creating together here for people to exchange." Other mediators note that in some mediations, they never learn the outcomes. Articulated issues may be settled to some extent while other issues may go unresolved for years. Thus, Stage Four, where parties agree on the resolution, may not actually occur during the course of the

mediation. The development of a more fluid model which considers temporality deserves consideration.

Finally, the question has already been asked if the relational paradigm absolves mediators from having to address the concerns of the parties operating in the individualist perspective (Sullivan, 1996). A more apt question that remains to be asked and investigated is: If mediation does not purport or connote a problem-solving orientation, but rather translates its 'win-win' slogan to goals of relationship, empowerment, responsibility, or even personal development, will people continue to choose mediation as an opportunity to offer their stories?

To tell a story is to formulate an interlocking set of meanings; to listen to one is in its turn an active search for the teller's meaning via one's own; to retell a story is also to do just that because listening is a kind of retelling. (Rosen, 1986, p. 231)

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Appendix A

Interview Questions

1. How long have you been involved in mediation? In what ways?
2. What are your goals as a mediator?
3. At the end of a mediation, what aspects of the mediation usually bring you feelings of satisfaction? Which aspects might cause you dissatisfaction?
4. If you take a moment, reflect and describe the events, people, thoughts and feelings that led you to be here with me today, you would be relating a story. What uses of story have you noticed in mediation?
5. When a story from the past or a story which only seems slightly connected to the conflict surfaces, what are your inclinations or tendencies toward the story and the storyteller?
6. When it is obvious or you think that one disputant is not attending to or ignoring the other disputant's story, what does the storyteller-disputant do? As a mediator, what might you do?
7. When a story has been interrupted or broken, what have you observed the storyteller-disputant to do? As a mediator, what do you do?
8. In your experience, have you observed a story move the disputants to a new level of understanding? If yes, describe the situation. Tell me about how understanding is created by a story. How does this new understanding benefit the disputants? the actual mediation?
9. How does storytelling impede the mediation process?
10. When you roleplay in mediation simulations, how closely do you think your performance resembles real life mediations?

Appendix B

The Mediation Model**Stage One: Introduction**

- Set the tone
- Clarify the process
- Explain the guidelines
- Define the roles
- Obtain a commitment to mediation
- Assess readiness to proceed

Stage Two: Generating the Agenda

- Make opening statements
- Ensure understanding
- Identify common ground
- Identify agenda issues
- Reframe the issues

Stage Three: Exploring the Issues

- Establish common ground
- Identify what is important (position)
- Identify why it is important (need)
- Fractionalize large issues
- Clarify assumptions
- Manage the emotional climate
- Summarize interests to be addressed in goal statement

Stage Four: Agreeing on the Resolution

- Clarify the goal for problem solving
- Determine criteria for fair agreement
- Generate options
- Explore implications
- Detail steps for implementation
- Check for feasibility
- Write the memorandum of agreement
- Determine basis and plan for evaluation¹

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pages 125-161

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